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HERTSLET

CHINA  
TREATIES

1855 - 1907

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1908

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HERTSLET'S CHINA TREATIES.

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TREATIES, &c.,  
BETWEEN  
GREAT BRITAIN AND CHINA;  
AND BETWEEN  
CHINA AND FOREIGN POWERS;  
AND  
ORDERS IN COUNCIL, RULES, REGULATIONS,  
ACTS OF PARLIAMENT, DECREES, &c.,  
AFFECTING  
BRITISH INTERESTS IN CHINA.

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IN FORCE ON THE  
1ST JANUARY, 1908.

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GODFREY E. P. HERTSLET,  
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## CONTENTS.

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### VOL. II.

#### PART IV.

	Page
Acts of Parliament, Orders in Council, Rules, and Regulations affecting British Interests in China, 1855-1907 .. ..	605

#### PART V.

Miscellaneous Documents, 1877-1907 .. ..	1121
--	------

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#### GENERAL INDEX.



## **PART IV.**

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**ACTS OF PARLIAMENT,  
ORDERS IN COUNCIL, RULES, AND  
REGULATIONS, 1855—1907.**



GREAT BRITAIN AND CHINA.

[Acts of Parliament, &c.]

PART IV.

*Acts of Parliament, Orders in Council, Rules, and Regulations,  
1855—1907.*

No.				PAGE.
123	14 Aug., 1855	Act of Parliament	Chinese Passengers .....	627
124	30 Oct., 1861	Regulations .....	Transit Dues. Exemption Certificates, Coast Trade .....	633
125	26 Nov., 1866	Ditto .....	Land and General. Tientsin ....	635
126	9 Sept., 1867	Rules of Procedure*	In Admiralty Causes .....	650
127	31 May, 1868	Rules .....	Joint Investigation in Cases of Confiscation and Fine by Custom House Authorities.....	655
128	3 Nov., 1868	Regulations .....	Pilotage.....	658
129	20 April, 1869	Rules .....	Mixed Court. Shanghai.....	662 ✓
130	1869	Regulations .....	Land. Shanghai .....	664
131	31 May, 1869	Ditto .....	Port, Consular, Customs, and Harbour .....	687 ✓
132	25 Sept., 1871	Ditto .....	Land. Canton (Shamien).....	691
—	1877	Ditto .....	Land. Amoy .....	1125
133	23 Oct., 1877	Order in Council...	Supreme Court, Hong Kong Jurisdiction .....	699 ✓
134	28 Mar., 1881	Rules .....	Practitioners in Provincial Courts	701 ✓
135	4 Aug., 1890	Act of Parliament	Foreign Jurisdiction .....	702 ✓
136	7 Aug., 1894	Order in Council...	Consular Courts (Admiralty).....	708 ✓
137	11 Sept., 1894	Regulations .....	Land. Chinkiang .....	709
138	28 July, 1898	Ditto .....	Inland Steam Navigation .....	721
139	Aug., 1898	Ditto .....	Trade on the Yang-tsze Kiang...	723
140	Sept., 1898	Supplementary Rules	Inland Steam Navigation .....	726
141	20 Oct., 1898	Order in Council...	Jurisdiction, Hong Kong Extension .....	728 ✓
142	31 Mar., 1899	Regulations .....	Land. Tientsin Extension .....	729
143	3 June, 1899	Ditto .....	Land. Shanghai. Additional...	746
144	27 Dec., 1899	Order in Council...	Jurisdiction. Kowloon .....	749 ✓
—	15 Feb., 1900	Regulations .....	Sanitary. Shanghai and Woosung .....	1159
—	17 Mar., 1900	Ditto .....	Shanghai Harbour .....	1162
—	17 Jan., 1901	Ditto .....	Woosung Harbour .....	1171
145	22 July, 1901	Regulation .....	Land. Tientsin. Amendment...	750
146	24 July, 1901	Order in Council...	Jurisdiction. Weihaiwei .....	752 ✓
147	10 Jan., 1902	Regulations .....	Land. Kulangsu .....	774
148	6 Mar., 1902	Order in Council...	Whangpoo Conservancy Board...	785
149	May, 1902	Regulations .....	Land. Hankow .....	789
150	10 June, 1902	Provisional Rules	Jurisdiction. Mixed Courts. Shanghai .....	802 ✓
151	20 Sept., 1902	Regulations .....	Land. Kiukiang .....	803
152	12 Mar., 1903	Order in Council...	Weihaiwei. Amendment .....	816
—	23 Mar., 1904	Regulations.....	Customs. Kongmoon .....	1182
153	15 July, 1904	Order in Council...	Shanghai Shipping Registry .....	817

\* Repealed.  
625



# GREAT BRITAIN AND CHINA.

[Acts of Parliament, &c.]

No.			PAGE.
154	25 July, 1904	Regulations ..... Sanitary. Port of Hankow .....	823
—	1904	Ditto ..... Canton Harbour .....	1185
155	24 Oct., 1904	Order in Council... Neutrality .....	826
✓ 156	24 Oct., 1904	Ditto .... Jurisdiction .....	834
✓ 157	1905	Rules ..... Of Court .....	890
158	12 Jan., 1905	Regulations ..... Land. Hankow. Amendment	1034
159	April, 1905	Ditto ..... Trade on the West River .....	1035
✓ 160	9 Feb., 1906	Ditto ..... Prison at Shanghai .....	1040
✓ 161	12 Oct., 1906	Regulation ..... Shanghai Municipal Police .....	1080
✓ 162	15 Oct., 1906	Regulations ..... Quarantine. Newchwang.....	1081
163	18 Dec., 1906	Regulation ..... Land. Hankow. Amendment	1084
164	18 Dec., 1906	Regulations ..... Land. Kiukiang. Amendment	1085
165	18 Dec., 1906	Ditto ..... Land. Chinkiang. Amendment	1086
✓ 166	21 Dec., 1906	Order in Council... Consular and Marriage Fees .....	1087
167	2 Jan., 1907	Regulations ..... Municipal Councils. Consular Veto	1095
168	11 Feb., 1907	Regulation ..... Land. Tientsin. Amendment	1096
✓ 169	11 Feb., 1907	Order in Council... Jurisdiction. Amendment .....	1097
170	12 Mar., 1907	Regulation ..... Quarantine. Newchwang. Amendment .....	1101
171	10 April, 1907	Regulations ..... Woosung Inner and Outer Bars	1102
172	14 May, 1907	Ditto ..... Wharfage Dues. Hsiakwan, Nanking .....	1103
173	14 June, 1907	Ditto ..... Police Discipline. British Con- cessions .....	1105
174	9 July, 1907	Ditto ..... Foochow Harbour .....	1106
175	9 July, 1907	Ditto ..... Foochow Pilotage .....	1108
176	9 July, 1907	Ditto ..... Santu-ao Harbour .....	1118
176A	29 Dec., 1907	Ditto ..... Registration Fee.....	1120

[SEE ALSO PART V.]

(No. 123.) *ACT of Parliament for the Regulation of Chinese Passenger Ships.*

[18 and 19 Vict., cap. 104.]

[14th August, 1855.]

WHEREAS abuses have occurred in conveying emigrants from ports in the Chinese seas : And whereas it is expedient to prevent such abuses : Be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

I. In the construction of this Act the term “ Chinese passenger ship ” shall include every ship carrying from any port in Hong Kong, and every British ship carrying from any port in China or within 100 miles of the coast thereof, more than 20 passengers, being natives of Asia ; the word “ colony ” shall include all Her Majesty's possessions abroad not being under the Government of the East India Company ; the word “ governor ” shall signify the person for the time being lawfully administering the government of such colony ; the term “ legislature of Hong Kong ” shall signify the governor and legislative council or other legislative authority of the same for the time being ; the word “ ship ” shall include all sea-going vessels ; the terms “ commander ” and “ master ” of any ship shall include any person for the time being in command or charge of the same ; the term “ emigration officer ” shall include every person lawfully acting as emigration officer, immigration agent, or protector of emigrants, and every person authorized by the Governor of any British colony to carry out the provisions of this Act ; and the term “ British Consul ” shall include every person lawfully exercising consular authority on behalf of Her Majesty in any foreign port.

II. It shall be lawful for the Legislature of Hong Kong, by any Ordinance to be by them enacted for that purpose, to make regulations respecting Chinese passenger ships, and, in the case of British ships, respecting the treatment of the passengers therein while at sea, and until such enactment the regulations contained in Schedule (A) to this Act annexed shall be in force : Provided always, that no such Ordinance shall come into operation until Her Majesty's confirmation of the same shall have been proclaimed in Hong Kong by the Governor thereof.

III. It shall be lawful for the Governor of Hong Kong to declare, by Proclamation, for the purposes of this Act and of the said regulations, what shall be deemed to be the duration of the voyage of any Chinese passenger ship, and by such Proclamation to alter the scales of dietary, medicines, and medical comforts contained in the aforesaid Schedule (A).

IV. No Chinese passenger ship shall clear out or proceed to sea on any voyage of more than seven days' duration until the master thereof shall have received from an emigration officer a

## [Chinese Passengers Act.]

copy of the aforesaid regulations, and a certificate in the form contained in Schedule (B) to this Act annexed, or in such other form as may be prescribed by the said Legislature, which copy and certificate, with any documents to be attached thereto (hereinafter designated as emigration papers), shall be signed by the said emigration officer, nor until the master shall, with two sufficient sureties, to be approved by the said emigration officer, have entered into a joint and several bond in the sum of 1,000*l.* to Her Majesty, her heirs and successors, in the form contained in Schedule (C) to this Act annexed, or in such other form as shall be prescribed by the said Legislature.

V. The said penal sum of 1,000*l.* shall be due and recoverable notwithstanding any penalty or forfeiture imposed by this Act or by the aforesaid regulations, and whether such penalties or forfeitures shall have been sued for and recovered or not.

VI. It shall be lawful for the commander of any of Her Majesty's ships of war, or for any emigration officer, Custom-House officer, or British Consul, to enter and search any Chinese passenger ship (being a British vessel or within British jurisdiction) so long as such ship shall have any passengers on board, and for 48 hours afterwards, and in case such ship shall be engaged on a voyage of more than seven days' duration, to require the production of the emigration papers of such ship, and to examine all persons on board of the same, in order to ascertain whether the provisions of this Act and of the regulations aforesaid have been complied with; and any person who refuses to allow, attempts to avoid, or obstructs any such entry, search, or examination, or who knowingly misleads or deceives any person lawfully making any such search or examination, or who, being master of the ship, or having the emigration papers in his custody, fails to produce the same when required as aforesaid, shall be deemed guilty of a misdemeanour.

VII. In case of any neglect or refusal to comply with any of the provisions of this Act or any of the regulations aforesaid, or to perform any stipulation in any of the contracts made with the passengers, the master of the ship, and any other person who may have been guilty of or have aided or abetted such neglect or refusal, shall each be deemed for each offence guilty of a misdemeanour.

VIII. If any Chinese passenger ship clears out or proceeds to sea on any voyage exceeding seven days in duration without such emigration papers as aforesaid, or if the emigration papers of any Chinese passenger ship are forged or fraudulently altered, such ship shall, if she is a British ship, or if, not being a British ship, the offence is committed and the ship is seized in Her Majesty's dominions or in the territories of the East India Company, be forfeited to Her Majesty.

IX. Every person who commits or aids or abets in committing any act or default by which any Chinese passenger ship may become

liable to forfeiture shall be liable to a penalty not exceeding 100*l.* for each offence.

X. It shall be lawful for any commissioned officer on full pay in the military or naval service of Her Majesty, or any British officer of Customs, or any British Consul, to seize and detain any ship which has become subject to forfeiture as aforesaid, and bring her for adjudication before the High Court of Admiralty in England or Ireland, or any court having Admiralty jurisdiction in Her Majesty's Dominions or in the territories of the East India Company, and such Court may thereupon make such order in the case as it thinks fit, and may award such portion of the proceeds of the sale of any forfeited ship as it thinks right to the officer bringing in the same for adjudication, or to any persons damaged by the act or default which has rendered the ship liable to forfeiture.

XI. No such officer as aforesaid shall be responsible either civilly or criminally, to any person whomsoever, in respect of the seizure or detention of any ship that has been seized or detained by him in pursuance of the provisions herein contained, notwithstanding that such ship is not brought in for adjudication, or, if so brought in, is declared not to be liable to forfeiture, if it is shown to the satisfaction of the judge or court before whom any trial relating to such ship or such seizure or detention is held that there are reasonable grounds for such seizure or detention; but if no such grounds are shown such judge or court may award payment of costs and damages to any party aggrieved, and make such other order in the premises as he or it thinks just.

XII. It shall be lawful for the court before which any ship liable to forfeiture under this Act is proceeded against to impose such a pecuniary penalty as to the same court shall seem fit, in lieu of condemning the ship, and in such case to cause the ship to be detained until the penalty is paid, and to cause any penalty so imposed to be applied in the same manner in which the proceeds of the said ship, if condemned and sold by order of the court, would have been applicable.

XIII. All misdemeanours and other criminal offences punishable under this Act shall be dealt with, tried, and judged of in the same manner as misdemeanours and other offences punishable under the "Merchant Shipping Act, 1854," and all the rules of law, practice, or evidence applicable to the last-mentioned misdemeanours and offences shall be applicable to misdemeanours and other offences under this Act.

XIV. Any Court, justice, or magistrate imposing any penalty under this Act for which no specific application is herein provided, may, if it or he thinks fit, direct the whole or any part thereof to be applied in compensating any person for any wrong or damage which he may have sustained by the Act or default in respect of which such penalty is imposed, or in or towards payment of the expenses of the proceedings; and, subject to such

## [Chinese Passengers Act.]

directions or specific application as aforesaid, all penalties recovered in the United Kingdom shall be paid into the receipt of Her Majesty's Exchequer in such manner as the Treasury may direct and shall be carried to and form part of the Consolidated Fund of the United Kingdom; and all penalties recovered in any British possession shall be paid over into the Public Treasury of such possession, and form part of the public revenue thereof.

XV. In any legal proceeding taken under this Act or in respect of the bond hereinbefore required any document purporting to be the written declaration of any British Consul, or of the Commander of any of Her Majesty's ships of war, or to be a copy of the proceedings of any court of justice, shall, without any proof of signature, be received in evidence, in case it shall appear that such copy or declaration, if produced in the United Kingdom, was officially transmitted to one of Her Majesty's Principal Secretaries of State, or, if produced in any colony, was officially transmitted to the Governor thereof: Provided always, that no person making such written declaration as aforesaid shall be capable of receiving a share of any penalty or forfeiture which shall be procured by such written declaration.

XVI. This Act may be cited for any purpose whatever under the name of the "Chinese Passengers Act, 1855."

XVII.\* This Act shall come into operation as soon as it shall have been proclaimed in Hong Kong by the Governor thereof, or, if not so proclaimed, on the 1st day of January next ensuing.

## SCHEDULE (A).

## REGULATIONS RESPECTING CHINESE PASSENGER SHIPS.

*Note.*—The wilful and fraudulent breach of any of these regulations by the person in charge of any Chinese passenger ship is punishable by forfeiture of the ship, and every person concerned in such breach is liable to a fine of £100 for each offence.

I.—No Chinese passenger ship shall clear out or proceed to sea on any voyage of more than seven days' duration without a certificate from an emigration officer; and such certificate shall be in the form provided by "The Chinese Passengers Act, 1855."

II.—No emigration officer shall be bound to give such certificate in respect of any Chinese passenger ship till seven days after receiving notice that the ship is to carry passengers, and of her destination, and of her proposed day of sailing, nor unless there are on board a surgeon and interpreter approved by such emigration officer.

III.—After receiving such notice the emigration officer shall be at liberty at all times to enter and inspect the ship, and the fittings, provisions and stores therein, and any person impeding him in such entry or inspection, or refusing to allow of the same, shall be liable to a fine of not more than £100 for each offence.

IV.—The emigration officer shall not give his certificate unless he shall be satisfied:—

(1) That the ship is seaworthy and properly manned, equipped, fitted and ventilated, and has not on board any cargo likely, from its quality, quantity or mode of storage, to prejudice the health or safety of the passengers.

\* Section XVII repealed. S.L.R. 1892.

## [Chinese Passengers Act.]

(2) That the space appropriated to the passengers in the 'tween decks contains at the least 12 superficial and 72 cubical feet of space for every adult on board; that is to say, for every passenger above 12 years of age, and for every two passengers between the ages of one year and 12 years.

(3) That a space of 5 superficial feet per adult is left clear on the upper deck for the use of the passengers.

(4) That provisions, fuel and water have been placed on board, of good quality, properly packed, and sufficient to supply the passengers on board during the declared duration of the intended voyage, according to the following scale:—

*Dietary Scale.*

Rice .. .. .	..	..	..	..	..	..	lbs. 1½ per diem.
Salted provisions—							
Wholly pork; or	..	..	..	..	..	..	
¾ pork and ¼ fish; or	..	..	..	..	..	..	” ½ ”
¼ pork, ¼ beef and ¼ fish	..	..	..	..	..	..	” ½ ”
Salted vegetable or pickles	..	..	..	..	..	..	” 3 ”
Water .. .. .	..	..	..	..	..	imperial quarts	3 ”
Firewood .. .. .	..	..	..	..	..	..	lbs. 2 ”
Tea .. .. .	..	..	..	..	..	..	ozs. ½ ”

(5) That medicines and medical comforts have been placed on board according to the following scale:—

*Scale of Medicines and Medical Comforts.*

For every 100 passengers, and in like proportion for any greater or less number.

Calomel .. .. .	3 ozs.	Senna leaves .. ..	8 ozs.
Blue pill .. .. .	2 ”	Blistering plaister ..	8 ”
Rhubarb powder ..	2 ”	Sulphur, sublimed ..	16 ”
Compound jalap powder ..	12 ”	” ointment ..	12 ”
Ipecacuanha powder ..	12 ”	Linseed flour .. ..	4 lbs.
Opium .. .. .	2 ”	Country soap .. ..	24 ozs.
Dover's powder .. ..	2 ”	Castor oil .. .. .	6 bottles
Magnesia .. .. .	2 ”	Oil of peppermint ..	2 ozs.
Epsom salts .. .. .	6 lbs.	Adhesive plaister, spread	2 yards
Chloride of lime .. ..	20 ”	Simple ointment .. ..	16 ozs.
Tartar emetic .. ..	4 drams	Ringworm ointment ..	16 ”
Quinine .. .. .	2 ozs.	Jeremie's opiate .. ..	2 oz. phial
Antimonial powder ..	½ ”	Aromatic spirits of harts-	
Extract of colocynth, com-		horn .. .. .	4 ”
pound .. .. .	1 ”	Cholera pills in phial ..	12 drams
Carbonate of ammonia ..	1½ ”	Cubebs powder .. ..	4 lbs.
Assafœtida .. .. .	1 ”	Sweet spirits of nitre ..	16 ozs.
Camphor .. .. .	1½ ”	Copaiba .. .. .	16 ”
Camphorated liniment ..	16 ”	Sulphate of copper .. ..	2 ”
Catechu .. .. .	2 ”	” zino .. .. .	1 ”
Prepared chalk .. ..	2 ”	Lunar caustic .. ..	4 drams
Tincture of opium .. ..	8 ”	Lime juice .. .. .	36 quarts
Turpentine .. .. .	16 ”	Rum or brandy .. ..	36 ”

*Instruments.*

1 set of amputating and other surgical instruments (if there be any person on board competent to use them).	1 spatula.
1 one-ounce glass measure.	1 dressing scissors.
1 minim glass measure.	1 infusion box.
1 pestle and mortar (Wedgewood).	1 quire of country paper.
1 set of weights and scales (grains in box).	1 penknife.
1 set of common splints.	2 metal bed pans.
1 set of bleeding lancets.	2 trusses for hernia, right and left.
1 silver catheter.	2 small syringes.
	4 ounces prepared lint.
	2 pieces cloth for bandages.

## [Chinese Passengers Act.]

V.—The master of any Chinese passenger ship being a British ship, and proceeding on a voyage of more than seven days' duration, shall, during the whole of the intended voyage, make issues of provisions, fuel and water, according to the aforesaid dietary scale, and shall not make any alteration, except for the manifest advantage of the passengers in respect of the space allotted to them as aforesaid, or in respect of the means of ventilation, and shall not ill-use the passengers or require them (except in case of necessity) to help in working the vessel; and shall issue medicines and medical comforts as shall be requisite to the best of his judgment; and shall call at such ports as may be mentioned in the emigration officer's clearing certificate for fresh water and other necessities; and shall carry them without unnecessary delay to the destination to which they have contracted to proceed.

VI.—The emigration officer shall not give his certificate until he shall have mustered the passengers, and have ascertained to the best of his power that they understand whither they are going and comprehend the nature of any contracts of service which they have made; he shall also take care that a copy of the form of such contracts, or an abstract of their substance, signed by himself, is appended to the said certificate. If any of the passengers are in bad health or insufficiently provided with clothing, or if the contracts are unfair, or if there is reason to suspect that fraud or violence have been practised in their collection or embarkation, he may detain the ship and, if he shall think fit, may order all or any of the passengers to be re-landed.

## SCHEDULE (B).

## EMIGRATION OFFICER'S CERTIFICATE, &amp;c.

I hereby authorize the Chinese passenger ship \_\_\_\_\_ to proceed to sea for the port of \_\_\_\_\_, in \_\_\_\_\_; and I certify that the said ship can legally carry \_\_\_\_\_ adults, and that there are on board \_\_\_\_\_ passengers, making in all \_\_\_\_\_ adults, viz., \_\_\_\_\_ men, \_\_\_\_\_ women, \_\_\_\_\_ male children and \_\_\_\_\_ female children, such children being between the ages of one and 12 years; that the space set apart and to be kept clear for the use of such emigrants is as follows: On the upper deck \_\_\_\_\_ superficial feet, being [here describe the space], and in the between decks \_\_\_\_\_ superficial feet, being [here describe the space]; that the ship is properly manned and fitted, and that the means of ventilating the part of the between decks appropriated to passengers are as follows [here describe the means of ventilation]; that the ship is furnished with a proper quantity of good provisions, fuel and water for \_\_\_\_\_ days' issues to the passengers, according to the annexed dietary scale\*, and with a proper quantity of medicines, instruments and medical comforts according to the annexed scale of medical necessities\*; that I have inspected the contracts between the emigrants and their intended employers (the terms of which are annexed to this certificate), and consider them reasonable; that no fraud appears to have been practised in collecting the emigrants; and that there are on board a surgeon† [and interpreter‡] approved by me, and designated [respectively and] \_\_\_\_\_; [The master of the ship is to put into \_\_\_\_\_ for water and fresh vegetables.]

(Signed)

Emigration Officer.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 18 \_\_\_\_.

## SCHEDULE (C).

## FORM OF BOND TO BE GIVEN BY THE MASTERS OF CHINESE PASSENGER SHIPS.

Know all men by these presents, that we are held and firmly bound unto our Sovereign Lady Queen Victoria, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, in the sum of £1,000 of good and lawful money of Great Britain, to be paid to our said Sovereign Lady the

\* These scales must be those prescribed by the regulations in Schedule A.

† In case the ship has been authorized to proceed without an interpreter, omit the part between brackets, and add "and that the ship has been authorized to proceed without an interpreter."

‡ The part between brackets is to be inserted or not, as may be required.

## [Transit Dues. Exemption Certificates. Coast Trade.]

Queen, her heirs and successors; to which payment, well and truly to be made, we bind ourselves and every of us, jointly and severally, for and in the whole, our heirs, executors, administrators, and every of them, firmly by these presents.

Sealed with our seals.

Dated this      day of      , 18      .

Whereas by the Chinese Passengers Act, 1855, it is enacted that, before any Chinese passenger ship shall clear out or proceed to sea on a voyage of more than seven days' computed duration, the master thereof shall, with two sufficient sureties to be approved by an emigration officer, enter into a bond to Her Majesty, her heirs and successors, in the sum of £1,000.

Now the condition of this obligation is this, that if (in respect of the ship whereof      is master) all and every of the requirements of the said Chinese Passengers Act, and of the regulations contained in Schedule (A) to the said Act annexed, or enacted by the Legislature of Hong Kong, shall be well and truly observed and performed [\*in like manner as the same ought to be observed and performed in case the said ship were a British ship, and the said      a British subject], then this obligation to be void, otherwise to remain in full force and effect.

Signed, sealed, and delivered by the above-bounden      and  
in presence of

(No. 124.) *REGULATIONS relating to Transit Dues, Exemption Certificates, and Coast Trade.*†

Published under authority from the Hon. F. W. A. Bruce, C.B.,  
Her Britannic Majesty's Minister Plenipotentiary in China,  
at Shanghai, 30th October, 1861.

I. *Transit Dues.*

§ 1. It is at the option of the British merchant to clear foreign imports to an inland market, or native produce to a port of shipment, either by payment of the different charges demanded at the Inland Custom-House, or by one payment of a half-tariff duty as provided in Tariff Rule 7.

§ 2. In the case of native produce the memorandum to be presented at the first inland barrier may be there deposited by the merchant himself or his agent, native or foreign; but whereas it is alleged that both native and foreign transit dues have been totally evaded by the sale of produce *in transitu* after entry at a barrier as for shipment at a Treaty Port, the memorandum tendered must be in the form of a Declaration, signed by the firm or merchant interested, and to the effect that the produce therein specified and entered on      date, at      barrier for shipment at      port, is the property of the undersigned firm or merchant, and that the said firm or merchant engages to pay the half-tariff transit dues thereon.

This form will be provided gratis by the Maritime Customs at every Treaty Port, and issued on the Consul's application by the Superintendent of Customs.

\* This clause is to be inserted only in the case of a foreign passenger ship.

† From Mayers' "China Treaties," 1902.



## [Transit Dues. Exemption Certificates. Coast Trade.]

§ 3. Native produce carried inwards from a port cannot be cleared by a transit duty certificate, whether in charge of native or foreigner ; it is liable to all charges imposed on goods *in transitu* by the Provincial Governments through whose jurisdiction it passes.

§ 4. Foreign imports not protected by transit duty certificates are liable to the same charges.

§ 5. No transit duty is leviable on foreign imports or native produce carried up or down the Yang-tsze Kiang between Shanghai and the ports on that river now open under provisional rules ; but foreign imports carried inland from either of these ports, or from the interior to either of these ports, pay foreign or native transit dues, according as they are certificated or uncertificated.

II. *Exemption Certificates.*

The exemption certificate protects duty-paid foreign imports, re-exported to any port in China, against all further exaction of duty by the Maritime Customs. Native produce carried coastwise must be accompanied by a certificate that the export duty has been paid at the port of shipment ; and, on leaving the second port for a third or fourth port, by a certificate that the coast-trade duty, as below defined, has been paid at the second port. This latter certificate will be granted by the Customs, if the condition of the produce imported remains unchanged, and will exempt the produce it covers from all further exaction of duty by the Maritime Customs.

III. *Coast Trade Duty.*

§ 1. Native produce carried coastwise pays full export duty at the port of shipment ; and, at the port of entry, coast-trade duty, the amount of which is declared to be half-import duty.

§ 2. If the produce in question be entered at the second port as for re-exportation to a foreign market, the payment of coast-trade duty is to be regarded as a deposit during a term of three months, before expiry of which the produce must be re-shipped for a foreign port ; and the merchant will thereupon immediately recover the amount of the coast-trade duty lodged with the Customs. If the term expire without shipment of the produce, the said amount will be carried to the account of Customs revenue, and the produce, if subsequently shipped to a foreign port, will pay a full export duty.\*

§ 3. If the produce, though shipped within the term allowed, be found to have been subjected to unauthorized changes of quality, condition, &c., the coast-trade duty lodged will not be returned, and an export duty as upon all other produce leaving the port, will be levied.

\* NOTE.—The term of three months prescribed in the above Rule for the validity of the coast-trade drawback certificate was extended, by agreement, to 12 months in June, 1863. See Belgian Treaty (No. 34), Article XXXIV ; and Danish Treaty (No. 38), Article XLIV.

## [Land and General Regulations. Tientsin.]

§ 4. If, on arrival of the produce at the port of entry, loss of the export duty certificate be alleged, the export duty can be lodged with the Customs until the Customs authorities shall ascertain the fact from those of the port of shipment.

§ 5. Native produce, accompanied by a certificate that the coast-trade duty has been paid at the second port, may be carried to any other port or ports in China, without payment of further duty to the Maritime Customs.\*

§ 6. Native produce carried from Shanghai to Hankow, or Kiukiang, or *vice versa*, pays a full import or export duty and coast-trade duty. While the river trade continues under the Provisional Rules now in force, these duties will be levied at Shanghai. If the produce in question be entered for re-export to a foreign port, the coast-trade duty will be deposited and refunded as provided in Clause 2 of this Rule.

(No. 125) *LOCAL LAND REGULATIONS of the British Concession at Tientsin and General Regulations for the Tientsin Consular District. Peking, 26th November, 1866.*

## CONTENTS.

	Page.
Preamble .. .. .	636
LOCAL LAND REGULATIONS.	
1. Boundaries and limits defined .. .. .	637
2. Former Regulations repealed .. .. .	637
3. Leases and transfers .. .. .	637
4. Qualifications required in a land-renter .. .. .	638
5. Land devoted to public use. Boundary stones .. .. .	638
6. Land tax—when payable .. .. .	639
7. Annual meeting of land-renters .. .. .	639
7A. Wharfage dues for Pei-ho Conservancy and local waterways .. .. .	750
7B. Taku Bar and local waterways .. .. .	1096
8. Committee of land-renters .. .. .	639
9. Tenure of office and special powers of Committee .. .. .	640
10. Funds and accounts .. .. .	640
11. Committee have power to make bye-laws.. .. .	640
12. Committee, how to be sued .. .. .	641
13. Land-renters' meetings and voters' qualifications .. .. .	641
14. Chairman of land-renters' meetings. Voting, &c. .. .. .	642
15. Consul's approval of Resolutions necessary in certain cases .. .. .	642
16. Consular Constable and land-renters' police .. .. .	642
17. Penalties for carrying firearms, &c. .. .. .	643
18. Licences .. .. .	643
19. Storage of combustible materials .. .. .	644
20. Vessels mooring along the Bund .. .. .	644
21. Recovery of penalties .. .. .	644
22. Persons acting in execution of these Regulations not to be personally liable .. .. .	645
23. Proof of Regulations .. .. .	645
Consular veto .. .. .	1095
Municipal Police .. .. .	1105
APPROVED BYE-LAWS .. .. .	645

\* NOTE.—In June, 1863, it was decided that in lieu of the certificate referred to in § 5, a drawback certificate for the coast-trade duty paid at the port of shipment should be issued there.

## [Land and General Regulations. Tientsin.]

## CONTENTS—continued.

GENERAL REGULATIONS.	Page.
1. Former Regulations repealed .. .. .	645
2. Mode of acquiring land outside the limits of the British Settlement..	646
3. Registration of leases and charges on Land .. .. .	646
4. Transfers .. .. .	646
5. Licences .. .. .	647
6. British vessels entering port to anchor as Harbour Master shall direct, and to hoist the Blue Peter 24 hours before departure .. .. .	647
7. Vessels entering port to keep their colours hoisted till duly reported	647
8. Sailing vessels to report and clear at Taku .. .. .	647
9. Steamers bound up the river may report and clear at Tientsin .. .. .	648
10. Unregistered vessels belonging to British subjects not to fly the British ensign .. .. .	648
11. Discharge of firearms from British vessels in the anchorages .. .. .	648
12. British vessels laden with gunpowder, &c., not to anchor within one mile of the Settlement .. .. .	648
13. Stones, &c., and dead bodies not to be thrown overboard from British vessels in the anchorages .. .. .	648
14. Masters of British vessels accountable for the conduct of their crews on shore, and not to give their officers or men leave to go into the country without the sanction of the Consul or Vice-Consul .. .. .	648
15. Masters of British vessels not to discharge or leave behind any seaman or other person .. .. .	649
16. Fees and penalties to be summarily recovered .. .. .	649
17. Proof of Regulations .. .. .	649
18. Publication of Regulations and recovery of penalties .. .. .	650
19. Power of Minister to repeal or alter Regulations .. .. .	650

*Preamble.*

## TIENTSIN LOCAL LAND REGULATIONS AND GENERAL REGULATIONS.

WHEREAS by Section 85 of the “China and Japan Order in Council, 1865,”\* it is provided amongst other things that “Her Majesty’s Minister in China may from time to time make such Regulations as seem fit for the peace, order and good government of British subjects resident in or resorting to China,” and also that he “may make any such Regulations apply either throughout China or to some one or more of the Consular Districts in China, and may by any such Regulations repeal or alter any Regulations made for any such purpose as aforesaid before the commencement of this order,” and whereas, in the Consular District of Tientsin, a certain quantity of land, commonly known and described as the British Settlement, has been rented in perpetuity from the Government of China by the Crown of Great Britain, and sublet by Her Majesty through Her Consul to various lessees; and whereas it is expedient that Regulations should be made for the peace, order, and good government of the said lessees of the British Crown, and of all persons within the limits of the said Settlement, and also for the peace, order, and good government of all British subjects within the said Consular District of Tientsin; and whereas it seems further to be urgently required that such Regulations should have effect unless and until they are disapproved by Her Majesty; be it therefore ordered that the following Local Land Regulations

\* Repealed. See Order in Council of 24th October, 1904 (No. 156), Article 169.

## [Land Regulations. Tientsin.]

shall have effect and be binding upon all persons residing or being within the limits of the said Settlement, as to all matters and things comprised therein, from and after the expiration of one calendar month, after the same shall have been affixed and kept exhibited at the office of Her Britannic Majesty's Consulate at Tientsin; and be it further ordered that the following General Regulations shall in like manner be binding upon all British subjects residing or being within the said Consular District of Tientsin, it being understood that the obligation of foreigners to conform to and obey the said Regulations is derived from their individual consent and from being lessees of land under the British Crown with the sanction and consent of their national authorities.

Given under my hand and seal of Office at Peking, China, this 26th day of November, 1866.

RUTHERFORD ALCOCK.

*Her Majesty's Envoy Extraordinary and Minister  
Plenipotentiary and Chief Superintendent of  
Trade in China.*

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LOCAL LAND REGULATIONS.

*Boundaries.*

1. The land to which these Regulations apply is bounded on the east by the Pei-ho River, on the west by the high road between Tientsin and Taku, on the north by the French Settlement, and on the south by the American Lots. Its limits are defined also by four boundary stones set up on the N.E., N.W., S.E., and S.W. angles of the Settlement.

*Former Local Land Regulations repealed.*

2. The Local Regulations published by Acting Consul Gibson on the 27th October, 1863, and the Supplementary Regulations published by Acting Vice-Consul Dennys on the 1st June, 1864, are hereby repealed, such of their provisions as are not intended to be abrogated being embodied in the present Local Land Regulations.

*Leases and Transfers.*

3. The leases of all lots in the Settlement shall be deposited in Her Britannic Majesty's Consulate in original, and all transfers of lots or portions of lots under the said leases shall be made by the parties to the transfer or their duly authorized representatives in the presence of an officer of Her Britannic Majesty's Consulate, and shall be registered at the said Consulate within one month of such transfer under a penalty not exceeding \$100.

All charges by way of mortgage, whether of a legal or equitable character made in the Consular District of Tientsin shall be

registered in conformity with the Regulations in force concerning the registration of charges by way of mortgage on land in China, otherwise such mortgage deed will not be allowed precedence over judgment or simple contract debts contracted before the execution of said deed.

*Qualifications required in a Land Renter.*

4. All British subjects and all naturalized British subjects may rent land in the British Settlement, but in no case shall a Chinese subject be permitted to do so, nor shall the subject of any other foreign State be allowed to rent land in the said Settlement unless he shall undertake in writing, in his own name and with the officially certified consent of his national authority, to obey all such Regulations and Bye-Laws as may have been already made or sanctioned or as may hereafter from time to time be made or sanctioned by Her Britannic Majesty's Minister for the peace, order and good government of the said Settlement and all persons resident therein, it being also distinctly stipulated and expressly provided in the said agreement that, in case of the breach or non-performance by the said foreigner of any of the said Regulations or Bye-Laws which may be for the time being in force, then and in that case it shall be lawful for Her Britannic Majesty's Consul, Vice-Consul, or other person duly authorized by Her Britannic Majesty's Consul for the time being to re-enter and re-possess all the land leased to the said foreigner within the limits of the said Settlement and all buildings thereon on behalf of Her Majesty, her heirs, successors and assigns, and all interest, right, title and claim of the said foreign lessee of the said land, his executors, administrators and assigns to the premises demised by the lease of the said land or any part thereof shall thereupon absolutely cease and determine.

Be it further enacted that it shall be lawful for Her Britannic Majesty's Consul, or other person duly authorized so to do, to enforce in like manner the same penalty of re-entry on the part of the Crown against the lessee of any land within the limits of the said Settlement, if any native of China be allowed by the said lessee to erect or occupy any house or building upon the said land.

*Land devoted to Public Uses. Boundary Stones.*

5. The land which has been set apart for roads and bund shall remain henceforth dedicated to the same use, and the lessees or their representatives shall put up boundary stones to define the limits of their respective lots. These stones shall be put up in the presence of a British Consular Officer, and in cases where any portion of any lot is transferred, the part so transferred shall in like manner be defined by boundary stones set up by the parties to the transfer, or their representatives, in the presence of some duly authorized Officer of Her Britannic Majesty's Consul.

Should the owner of any land in the Settlement neglect or refuse

to put up such boundary stones when called upon by Her Britannic Majesty's Consul to do so, he shall be liable to a fine not exceeding \$25 for his original neglect and to an additional penalty not exceeding \$5 per day for each succeeding day's neglect or refusal to comply with the said Consul's requisition.

*Land Tax when payable.*

6. The Chinese land tax of 1,500 copper cash per mow as reserved in the Crown leases shall be paid by the several lessees thereof into Her Britannic Majesty's Consulate within twenty-one days next after the 30th of September of each year.

*Annual Meeting of Land Renters.*

7. It being expedient and necessary for the better order and good government of the Settlement that some provisions should be made for the making of roads and jetties, and for cleansing, lighting, watering and draining the Settlement generally, and establishing a watch or police force therein, and paying the person necessarily employed in any municipal office or capacity, the British Consul shall, in the month of April\* of each year, convene a general meeting of land renters, giving twelve days' notice of said meeting, to devise ways and means for raising the requisite funds for the aforesaid purposes; and at such meeting it shall be competent to the said renters, or a majority of them, in public meeting duly assembled to declare an assessment upon the aggregate area of the lots in the Settlement, towards which assessment each land renter shall pay a sum exactly proportionate to his own quantity of ground, and it shall also be competent for the said renters, or a majority of them as aforesaid, to impose other rates and taxes in the form of dues on all goods landed or shipped on or from the bund within the limits of the said Settlement, and in the form of mooring charges to be levied on such vessels as may make fast to the mooring posts set up for their accommodation within the said limits provided the said rates or taxes levied in the form of dues shall in no case exceed the amount of *one-tenth of one per cent.* on the value of the goods landed or shipped on or from the said bund.

The scale of wharfage dues and mooring charges thus fixed at the annual meeting of land renters shall be communicated by Her Britannic Majesty's Consul to the Consuls of other nations and to the Local Chinese Authorities.

7A. *Wharfage Dues for Pei-ho Conservancy and Local Waterways.*†

7B. *Taku Bar and Local Waterways.*‡

*Committee of Land Renters.*

8. It shall be competent to the land renters as aforesaid in public meeting duly assembled, under and in accordance with the provisions

\* Altered in 1885 to: "Consul shall, in the month of January."

† See Regulation of 22nd July, 1901 (No. 145).

‡ See Regulation of 11th February, 1907 (No. 168).

of the above Regulation No. 7, to appoint by ballot or otherwise, as may be agreed upon at the aforesaid annual general meeting, an Executive Committee or Council of not more than five or less than three land renters, for the purpose of levying the rates, dues and taxes hereinafter mentioned, and applying the funds realised from the same for the purposes aforesaid, and for carrying out the Regulations now made. Be it further ordered that the said Committee when appointed shall have power and authority to levy and apply the said rates, dues and taxes for the purposes aforesaid, and also that the said Committee or their secretary have full power and authority to sue for all arrears of such rates, dues and taxes and recover the same from all defaulters in Her Britannic Majesty's Consular Courts if the said defaulters or any of them be British subjects, and in the Consular Courts under whose jurisdiction such defaulters may be if the said defaulters or any of them be not British subjects.

*Tenure of Office and Special Powers of Committee.*

9. The Committee shall hold office for one year from the date of their election, and shall have power of themselves to fill up any vacancies that may occur during their term of office.

They shall elect their own chairman and may from time to time appoint, pay out of the municipal funds, and remove such officers and servants as they think fit.

Three members of the Committee shall form a quorum, and in all questions upon which the members are equally divided the Chairman shall have a casting vote.

*Funds and Accounts.*

10. The Committee shall administer the municipal funds at their discretion for the purposes specified in Regulation No. 7 of these Regulations, and in as far as such expenditure shall have been sanctioned at the annual general meeting of land renters, or at any special general meeting called to vote expenses, provided they do not exceed the sums voted at such meetings.

Be it further ordered that the said Committee shall appoint an auditor at least seven days before the annual general meeting of land renters to audit the accounts kept by them during their year of office, and that they shall also draw up a statement of receipts and disbursements for the same period, and that the said statement and said accounts duly audited be left in the Court Room of Her Britannic Majesty's Consulate for at least 24 hours before the assembling of the said annual general meeting, to be open for the inspection of the land renters generally, and that the said accounts be passed finally, if correct, at the said meeting.

*Bye-Laws.*

11. The Committee shall have power and authority from time to time to make Bye-laws for the purpose of better enabling them

## [Land Regulations. Tientsin.]

to carry out the objects of these Regulations, and such Bye-laws if adopted by a special general meeting of the land renters and approved by Her Britannic Majesty's Minister, shall be of the same force and effect as these Regulations.

*Committee may be sued in Her Britannic Majesty's Consular Court.*

12. The Committee shall be liable to be sued, through their Secretary, in Her Britannic Majesty's Consular Court at Tientsin by any person who may deem himself injured by any act of the Committee or its officers, and, should the plaintiff obtain damages in any such suit, said damages and the costs of such suit shall be summarily recoverable by Her Britannic Majesty's Consul and paid out of the funds levied under the authority of these Local Land Regulations.

*Land Renters' Meetings and Voters' Qualifications.*

13. In addition to the annual general meeting of land renters Her Britannic Majesty's Consul may at any time when it appears to him needful or on the requisition of the Chairman of the Land Renters' Committee, or on that of at least five of the land renters or their representatives, provided such requisition set forth satisfactory grounds for such request, convene a general meeting of land renters, giving seven days' notice of the meeting and its object. The resolutions passed by a majority at all general meetings, annual as well as occasional, upon subjects which these meetings are competent to consider, shall be binding upon all renters of land and their representatives within the limits of the Settlement, provided that at such meeting at least one-third of the resident land renters or their representatives are present, [and all registered owners of at least mows of land within the said limits shall be entitled to a vote at the said annual and other duly convened general meetings. Provided always that this clause shall not entitle any land renter or any firm to more than one vote].\*

\* Cancelled, from "and all registered" to "than one vote." See Provisional Rules below substituted.

*Provisional Rules for Voting at Land Renters' Meetings at Tientsin.*

1. The registered lessees of undivided concession lots and their representatives shall be entitled to vote at all land renters' meetings and to sit upon the Municipal Council, *each of the said undivided lots carrying with it one vote.*

2. Where an original concession lot has been subdivided, the sub-tenants may jointly nominate a representative, who shall then be entitled to vote for the whole lot and to sit upon the Council.

3. The recognised agents in the actual employ of absent land renters and the holder of written authority (either special or general) to act for qualified voters absent from any meeting shall alone be deemed representatives. Provided that if lots be registered as the property of married women or infants the legal male representatives of said married women and infants may, in respect of such representation, vote and sit upon the Council.

4. The resolutions, passed by a majority of votes at all general meetings upon subjects which these meetings are competent to consider, shall be binding upon all renters and their representatives provided that at such meetings at least one-third



*Chairman of the Land Renters' Meetings, &c.*

14. Her Britannic Majesty's Consul shall be, *ex-officio* Chairman of all general meetings of land renters, and in his absence then such land renter as the majority of voters present shall nominate, and at all such general meetings the chairman shall have a casting vote in questions upon which the voters present are equally divided in opinion.

*Consul's approval of a Resolution passed at a General Meeting necessary to its validity in certain cases.*

15. In all cases in which land renters in public meeting duly assembled, as provided by these Regulations, decide upon any matter of a municipal nature not already enumerated and affecting the general interests, such decision shall first be submitted to the Consul for his approval, and unless such approval be officially given such resolution shall not be valid and binding. Provided always that a term of seven days shall elapse between the date of the Resolution and the signification of approval by the Consul, during which term any person considering himself prejudiced in property or interests by the Resolution may represent his case to the Consul for consideration. After the expiration of the term of seven days, the Consular approval, if signified, shall be final. Provided also that, should the Consul signify his disapproval of the resolution and should his veto be protested against in writing by three or more of the land renters within a further period of seven days from the date of its being made known, it shall be lawful for the said land renters to appeal through the Consul to Her Britannic Majesty's Minister, whose decision shall be final. 4

*The Consular Constable and Land Renters' Police may apprehend all Persons found committing or charged with committing certain offences.*

16. It shall be lawful for the Consular constable and the land renters' policemen, when these latter shall have been sworn in as special constables by Her Britannic Majesty's Consul, to apprehend forthwith all persons whatsoever within the limits of the Settlement who may be found in the act of committing a nuisance or committing

of the land renters or their representatives are present, and provided such resolutions may be carried also by a show of hands in the first instance if a division be not at the time demanded. Provided also that if Her Britannic Majesty's Consul or his duly authorized representative be absent from any general meeting the resolutions passed at such meetings shall not be binding without his approval.

5. No transfer of land in the settlement shall be registered between the date of the 12 days' notice concerning the annual general meeting and the day of the meeting.

6. Any person claiming a vote which has not been previously registered shall register such vote at least seven days before any meeting at which the vote is to be used or the vote will not be allowed.

7. The accounts of the retiring Council having been previously duly audited, shall be passed, if possible, at the annual meeting, and the estimates for the coming year voted at the same meeting.

## [Land Regulations. Tientsin.]

a felony or breaking the peace or being drunk and disorderly, or who may be charged with the commission of the said offences; and Her Britannic Majesty's Consul shall in the first instance enquire into the said charge, and deal with the accused according to law if he be a British subject, and, if not, the said Consul shall send the accused in custody to his own national authority with a statement and with the evidence of the crime or offence on account of which he had been apprehended, and if the accused have no Consular Representative at Tientsin, then Her Britannic Majesty's Consul shall request the local Chinese authorities to deal with the case, and shall depute an officer of Her Britannic Majesty's Consulate to act as an assessor at the trial of the accused.

Provided always that no constable shall, without a special warrant, enter any occupied lot or compound for the purpose of apprehending any person or persons therein, unless called upon by one of its occupants to do so, or unless pursuing an offender into said lot or compound.

*Penalties for carrying Firearms, &c., about the Settlement, and for other herein specified Offences.*

17. The masters, mates, and seamen of merchant vessels shall not be allowed to carry firearms or other dangerous weapons about the Settlement, nor shall persons be permitted to drive or ride furiously along the bund and roads nor causelessly to create a noise or disturbance thereon. It shall be the duty of the Consular constable and other special constables charged with enforcing these Regulations to apprehend any person whatsoever offending against this Regulation, and to bring him in the first instance before Her Britannic Majesty's Consul, who may punish the offender for each offence, if said offender be a British subject, by a fine not exceeding \$10, or by one week's imprisonment, with or without hard labour.

If the said offender, however, be not a British subject, then Her Britannic Majesty's Consul shall send him in custody to his own national authority, with a statement of the offence on account of which he has been apprehended. Provided that should the said offender have no Consular representative at Tientsin then Her Britannic Majesty's Consul shall request the local Chinese authorities to deal with the case, and shall depute an officer of Her Britannic Majesty's Consulate to act as an assessor at the trial of the accused.

*Licences.*

18. No tavern, public-house, boarding-house, or house of entertainment shall be opened within the limits of the Settlement without a licence from Her Britannic Majesty's Consul, and without paying the annual licence fee in such behalf payable, and said licence shall be granted subject at any time to revocation should it be proved that such house or tavern is conducted in an improper or disreputable manner or that the inmates or frequenters thereof

## [Land Regulations. Tientsin.]

misconduct themselves or act in a disorderly manner. Persons convicted of a breach of this Regulation shall be liable to a fine not exceeding \$100, which fine shall be summarily recoverable by Her Britannic Majesty's Consul from the proprietor of the house if he be a leaseholder or British subject, and if not, from the leaseholder upon whose land the said house is situated.

*Combustible Materials not to be stored in the Settlement or in Ships moored to the British Bund.*

19. No vessel laden with gunpowder or other dangerous combustible material shall be allowed to be moored to the mooring posts along the British bund, nor shall any such aforesaid materials be stored in houses or godowns within the limits of the Settlement under a penalty not exceeding \$200 for each breach of this Regulation, which penalty shall be summarily recoverable from the hirer of said building or the leaseholder of the lot upon which said building is situated, as the case may be, in the same way as the penalty attached to a breach of Regulation No. 18 of these Regulations.

*Vessels Mooring along the Bund.*

20. All vessels that moor along the British bund must fasten their hawsers to the mooring posts set apart for their use, paying such mooring charges in that behalf as are payable, and the police of the Settlement shall see that no hawsers or chain cables are made fast to trees, or fixed in such a way as to impede the public path.

*Penalties summarily recoverable and their Amounts payable to the Land Renters' Committee.*

21. The Committee of Land Renters or their Secretary may recover summarily before Her Britannic Majesty's Consul, or other Consul having competent jurisdiction, all penalties imposed by these Regulations and by any Bye-laws which may hereafter be framed under the said Regulations and approved by Her Majesty's Minister; and it shall be lawful for the said Consul to adjudge the offender to pay the penalty incurred together with such costs attending the conviction as he, the said Consul, shall think fit. All penalties so recovered shall be carried to the credit of the said land renters' Committee, in diminution of the general expenditure authorized by the provisions of these Local Land Regulations. Provided that in case any person liable to any penalty, or any defaulters or owners or shippers or consignees of goods refusing to pay any rate, due, tax, or fine, have no Consular Representative at the Port of Tientsin then the said Committee shall, with the consent of the local authorities and under powers delegated, try them to this end, be at liberty to detain and sell such portion of the goods, or use such other means as with the consent of the local authorities may be necessary to obtain payment of such rate, due, tax, or fine.

## [General Regulations. Tientsin.]

*Persons acting in execution of these Regulations not to be personally liable.*

22. No matter or thing done or contract entered into by the Committee, nor any matter or thing done by any member thereof or by any person whomsoever acting under the direction of the Committee, shall, if the matter or thing were done or the contract entered into *bonâ fide* for the purpose of executing these Regulations, subject them, or any of them personally to any action, liability, claim, or demand whatsoever; and any expense properly and with due authority incurred by the Committee, or by any Member thereof, or by any person whomsoever acting under the direction of the Committee shall be borne and repaid out of the fund collected under the authority of these Regulations.

*Proof of Regulations.*

23. For the purpose of convicting any person committing an offence against any of these Regulations, and for all other purposes, a printed copy of the Regulation purporting to be certified under the hand and seal of Her Majesty's Minister in China, shall be conclusive evidence of the Regulation, and no proof of the handwriting or seal purporting to certify the same shall be required.

## APPROVED BYE-LAWS.

I.—That the bund being now complete the full mooring charge of 5 Mexican cents per register ton shall in future be charged on all sailing vessels.

III.—That the Treasurer of the Municipal Council shall at no time retain in his hands more than 1,000 taels. Any excess over this amount is to be deposited in a bank at Shanghai; "but when extraordinary expenditure is immediately contemplated, the Honorary Treasurer is empowered to retain in his hands a larger sum."

IV.—That any owner of a portion of a lot measuring 4 mows or more, provided there be a foreign residence thereon, shall be entitled to a vote, excepting, however, the Municipal lot, for which no vote shall be allowed.

Any person or firm residing in the British settlement at Tientsin, being neither land renter nor representative of such, paying in the name of the person or firm wharfage dues or taxes to the British Municipality of not less than 100 taels per annum shall be entitled to a vote at all meetings of land renters in the British Settlement.

The vote under this head not to be transferable and to cease upon the voter becoming either a land renter or representative of such on the British Settlement.

VII.—That after 31st December, 1887, no wheel barrows or heavy drays shall be allowed to ply in the Settlement.

This prohibition not to extend to light carts.

## GENERAL REGULATIONS.

*Former Regulations repealed and present ones binding upon all British Subjects at the Port of Tientsin.*

1. The Consular Regulations for the Port of Tientsin published by Acting-Consul Gibson on the 27th October, 1863, are hereby repealed, such of their provisions as are not intended to be abro-

## [General Regulations. Tientsin.]

gated being embodied in the present General Regulations, and the said General Regulations apply to the whole Consular District of Tientsin including the outport of Taku, and shall be binding upon all British subjects residing or being within the said Consular District of Tientsin.

*Mode of acquiring Land outside the Limits of the British Settlement.*

2. Any British subject desiring to rent land from a Chinese proprietor outside the limits of the British Settlement shall, in the first instance, apply to Her Britannic Majesty's Consul officially in writing, stating the name and surname of the Chinese proprietor and specifying by plan the locality, boundaries and measurements in mow and square feet of the said land ; and the said Consul will thereupon enquire whether any impediment exists to the renting of the said land, and if it be ascertained that no such impediment exists the applicant may then settle with the Chinese proprietor the price and condition of sale. Said applicant shall thereupon lodge with Her Britannic Majesty's Consul, the Chinese proprietor's deed of sale in duplicate accompanied by a plan clearly marking the boundaries of the said land, and containing a statement of the amount of land tax payable annually to the Chinese Government upon the said land. Her Britannic Majesty's Consul shall then transmit the deeds to the Chinese local authorities for examination, and, if the sale be regular, said deeds will be returned to the Consul duly sealed by the said Chinese local authority and the purchase money can then be paid.

If there are graves or coffins on the land rented their removal must be a matter of separate agreement.

*Registration of Leases and of Charges on Land.*

3. All such conveyances or leases of land so purchased as aforesaid shall be registered at the British Consulate, within one month from the time of the completion of the sale, under a penalty not exceeding \$100 ; and all charges by way of mortgages made in the Consular district of Tientsin whether of a legal or equitable character, shall be registered as is provided in Clause III. of the Local Land Regulations ; otherwise such mortgage deed will not be allowed precedence over judgment or simple contract debts contracted before the execution of said deed.

*Transfers.*

4. All transfers of land purchased by British subjects within the Consular district of Tientsin, but outside the limits of the British Settlement shall be made by the parties to the transfer or their duly authorized representatives, in the presence of an officer of Her Britannic Majesty's Consulate at Tientsin or Her Britannic Majesty's Vice-Consulate at Taku, and shall be registered

## [General Regulations. Tientsin.]

at said Consulate or Vice-Consulate within one month of such transfer, under a penalty not exceeding \$100.

*Licences.*

5. No British subject shall be allowed to establish any tavern, public house, boarding house, or house of entertainment at Tientsin or Taku, or in the Consular district of Tientsin or Taku, without a licence from Her Britannic Majesty's Consul or Vice-Consul, and without paying the annual licence fee in such behalf payable, and said licence shall be granted subject at any time to revocation should it be proved that such house or tavern is improperly conducted or that the inmates or frequenters thereof misconduct themselves or act in a disorderly manner. Persons convicted of a breach of this Regulation shall be liable to a fine not exceeding \$100.

*British Vessels entering Port to anchor as Harbour Master shall direct and to hoist the Blue Peter twenty-four hours before departure.*

6. All British vessels entering port shall anchor at Taku or Tientsin only in such places as the Harbour Master, or other person duly authorized by the Customs House Authorities, shall appoint, and whenever any one of the said vessels is about to leave port she shall hoist the Blue Peter at least 24 hours before the time appointed for her departure. Each breach of this Regulation shall be punishable by a fine not exceeding \$50.

*Vessels entering Port to keep their Colours hoisted till duly reported.*

7. Every British vessel shall show her colours on entering port and keep them hoisted until she has been reported and her papers have been lodged at either the Vice-Consulate at Taku or the Consulate at Tientsin; and the master of every British vessel arriving at Taku, a steamer bound up the river to Tientsin excepted, shall deposit his ship's papers, together with a summary of the manifest of her cargo, at Her Britannic Majesty's Vice-Consulate at Taku within 48 hours if in the inner anchorage and within 72 if in the outer, unless a Sunday or holiday should intervene. Masters shall be liable to a penalty not exceeding \$200 for each breach of this Regulation.

*All Sailing Vessels to report and clear at Taku.*

8. Every British sailing vessel, whether intending to pass up the river to Tientsin or not, shall report at the Vice-Consulate at Taku, and lodge her papers there. Provided that, if a sailing vessel passes up the river to Tientsin, she shall take up with her the "Ship's Articles," and deposit said document at the Consulate at Tientsin. Said articles shall be handed back to the master when the vessel is about to return to Taku, where she shall receive her other papers and port clearance at the Vice-Consulate.

## [General Regulations. Tientsin.]

*Steamers bound up the river may report and clear at Tientsin.*

9. British steamers bound for Tientsin shall not be required to report and lodge their papers at Taku, but may report and clear at Tientsin. Provided that if a steamer bound for Tientsin remain for more than 3 hours at Taku, unless she can show reasonable cause for so doing, she shall report and lodge her papers at Her Britannic Majesty's Vice-Consulate there under a penalty not exceeding \$200 for each breach of this Regulation.

*Unregistered Vessels belonging to British Subjects not to fly the British Ensign.*

10. Should any vessel the property of a British subject, but not provided with a certificate of registry or other recognised pass, hoist the British ensign within the anchorages, or should she exhibit within such limits any flag so similar to the British ensign as not to be clearly distinguished from it, the master of such vessel shall be liable for every such offence to a penalty not exceeding \$100.

*Discharge of Firearms from British Vessels in the Anchorages prohibited.*

11. The discharge of guns and other firearms from British vessels in the anchorages is prohibited under a penalty not exceeding \$50 for each offence.

*British Vessels laden with Gunpowder, &c., not to anchor within one mile of the Settlement of Tientsin.*

12. No British vessel laden with gunpowder, or other dangerous combustible materials, shall be allowed to anchor within one mile of the British Settlement at Tientsin under a penalty not exceeding \$200.

*Stones, &c., and Dead Bodies not to be thrown overboard from British Vessels in the Anchorages.*

13. Stones, ballast, or cinders shall not be thrown overboard from British vessels in the Tientsin anchorage under penalty of \$50 for every such offence, nor shall the bodies of seamen or other persons dying on board British vessels, in either the Tientsin or Taku anchorages, be thrown overboard under a like penalty of \$50 for every such offence.

*Masters of British Vessels accountable for the conduct of their Crews on shore, and not to give their Officers or Men leave to go into the Country without the sanction of Her Britannic Majesty's Consul or Vice-Consul.*

14. All masters of British vessels shall so far as English law permits be held accountable for the conduct of their crews on shore, and shall not give their mates, engineers, or men leave to go into

the country either at Taku or Tientsin without the express sanction of Her Britannic Majesty's Consul or Vice-Consul. Masters convicted of a breach of this Regulation shall be liable to a fine not exceeding \$100 for each offence, and should any such mate, engineer, or other member of the crew of a British vessel go into the country without the permission of the said Consul or Vice-Consul he shall be liable to a fine of \$100 or one month's imprisonment.

*Masters of British Vessels not to discharge or leave behind at this Port any Seaman or other Person belonging to the said Vessels.*

15. No seaman or other person belonging to a British ship shall be discharged or left behind at this Port without the express sanction of Her Britannic Majesty's Consul or Vice-Consul, nor until reasonable security shall have been given for his maintenance and good behaviour while remaining on shore. If any such person aforesaid, being a British subject, be left at this Port by a British vessel, and be found requiring public relief prior to the departure of said vessel from the dominions of the Emperor of China, then the owners of the said vessel shall be held responsible for the maintenance and removal of the said British subject; provided said owners should be within the jurisdiction of any of Her Britannic Majesty's Consulates in China. Provided always that nothing in this Clause shall be held to limit the responsibility of ship owners or ship masters in respect of seamen or other persons which is or may be incurred under the Merchant Shipping Act.

*All Fees and Penalties leviable under the General Regulations to be summarily recoverable and carried to the credit of Her Britannic Majesty's Government.*

16. All fees and penalties leviable under these General Regulations, and under any additional General Regulations which may hereafter be framed by Her Britannic Majesty's Minister for the peace, order and good government of British Subjects residing or being within the said Consular District of Tientsin shall be summarily recoverable by Her Britannic Majesty's Consul either by distress or imprisonment, and the amounts so recovered shall be carried to the credit of Her Britannic Majesty's Government and shown in the Quarterly Accounts of Her Britannic Majesty's Consulate or Vice-Consulate.

*Proof of Regulations.*

17. The provisions of Rule 23 of the Local Land Regulations shall in like manner be available for the purpose of convicting any person committing an offence against any of the General Regulations.



## [Admiralty Causes.]

*Publication of Regulations and enforcement of Penalties.*

18. A printed copy of these Regulations Local and General shall be affixed and at all times kept exhibited conspicuously in the Public Offices of Her Britannic Majesty's Consul at Tientsin and Vice-Consul at Taku, and no penalty shall be enforced for any offence against any of the said Regulations until the said Regulations have been so affixed and kept exhibited during a period of one month. Printed copies of these Regulations shall moreover be provided and sold at Her Britannic Majesty's Consulate at Tientsin at \$1 per copy.

*Her Majesty's Minister may at any time repeal or alter these Regulations.*

19. Her Majesty's Minister may at any time hereafter repeal or alter any or all of the Local Land Regulations and General Regulations now made, should it at any time seem to him expedient or necessary so to do.

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(No. 126.) *RULES OF PROCEDURE to be observed in Her Majesty's Supreme Court for China, &c., in Admiralty, 1867.\**

WHEREAS it is of urgent necessity that Rules of Procedure in Admiralty Causes should be framed for the guidance of suitors, and whereas, by virtue of provisions contained in 26 and 27 Vict., cap. 24 ("An Act to facilitate the appointment of Vice-Admirals and of Officers in Vice-Admiralty Courts in Her Majesty's Possessions abroad," &c., &c.), which provisions are, by the 54th section of the China and Japan Order in Council, 1865, extended to the Supreme Court of China and Japan, the said Supreme Court, as a Vice-Admiralty Court, has jurisdiction in (amongst other things) the matters following:—

- (1) Claims for seamen's wages ;
- (2) Claims for master's wages, and for his disbursements on account of the ship ;
- (3) Claims in respect of pilotage ;
- (4) Claims in respect of salvage of any ship, or of life or goods therefrom ;
- (5) Claims in respect of towage ;
- (6) Claims for damage done by any ship ;
- (7) Claims in respect of bottomry or respondentia bonds ;
- (8) Claims in respect of any mortgage where the ship has been sold by a decree of the Vice-Admiralty Court, and the proceeds are under its control ;
- (9) Claims between the owners of any ship registered, in the possession in which the Court is established, touching the ownership, possession, employment, or earnings of such ship.

\* Repealed. The Rules at present in force in China are the Vice-Admiralty Courts Rules of 1883.

## [Admiralty Causes.]

(10) Claims for necessities supplied, in the possession in which the Court is established, to any ship of which no owner or part owner is domiciled within the possession at the time of the necessities being supplied ; and

(11) Claims in respect of the building, equipping, or repairing within any *British* possession of any ship of which no owner or part owner is domiciled within the possession at the time of the work being done.

It is ordered that, for the regulation of the practice and procedure to be observed in the Supreme Court as a Vice-Admiralty Court, the following Rules shall be established :—

1. All proceedings in Admiralty must be so headed.

NOTE.—Proceedings “in Admiralty” are either *in rem* or *in personam*. Actions *in personam* shall be conducted in the same way as all other actions of a similar nature, according to the Rules of Procedure prevailing in the Supreme Court in matters of Law and Equity. The following outline of procedure will, therefore, be understood to refer only to actions *in rem*, that is, against the *Res*, in other words, the subject matter of the action.

2. The name and nationality of the ship against which the proceedings are taken, must appear, as also that of the master ; and when the owners are known, their names and residences should likewise be given.

NOTE.—To give the Court jurisdiction in claims Nos. 10 and 11 (see above), the fact of the owners not being domiciled within the jurisdiction of the Court should be stated.

3. Any number of persons having a *common interest* may join in one action according to the practice of Admiralty Courts in England ; and there may, in accordance with the same practice, be one action against several *Res*.

NOTE.—Such consolidation of separate claims may likewise be ordered on the application of the defendant, or by the Court of its own motion.

4. Proceedings *in rem* must be commenced by an application for the arrest of the *Res*. This application must state the nature of the debt or claim and the amount sought to be recovered (which should include the estimated costs of the suit). It must be supported by an affidavit of all the circumstances which justify its being made, and a fee is to be paid on its being granted.

NOTE.—The application must be filed in triplicate—one copy for service on the vessel, another for the Court, and the third for service on any party who may appear to the action.

(2) It shall be in the discretion of the Court to require and take security from the applicant for the prosecution of the suit, as well as to cover any damages which may be awarded against him, in consequence of the impropriety, frivolity, or maliciousness of the application.

(3) All payments into Court shall be made in such currency and at such exchange as the Court shall direct.

5. On the application being made in due form, a warrant will issue to the Officer of the Court to arrest the *Res*, and cite all persons, having an interest on the subject matter of the arrest, to appear within a time mentioned in the warrant and answer to the plaintiff in his cause.

6. The arrest shall be executed by the arresting officer affixing a certified copy of the warrant to the principal mast or to some other conspicuous part of the ship, after having previously read the original warrant to the officer or other person in charge of the vessel.

NOTE.—The warrant extends to the *apparel, appurtenances, &c.*, of the ship, although all or part may have been detached from her and sent on shore. If the entire *cargo* be still on board the vessel, the service on the mast arrests the former as well as the latter, and should the action be against the freight, this latter is considered to be arrested simultaneously with the cargo. But should the cargo have been landed, and deposited in a public or private warehouse, a separate and distinct arrest of it must be made—provided the warehouse be within the jurisdiction of a British Court. In this case, the officer of the Court will affix a certified copy of the warrant on such separate cargo, and do the like if the cargo has been trans-shipped to a British ship. But if the warehouseman or person in charge of the cargo will not permit access to it, the officer will serve him instead of the *Res* with the warrant, showing to him the original and leaving with him a copy of it.

(2) The fact of the arrest is to be certified by endorsement under the hand of the officer making it.

7. A person nominated by the Court shall be left in charge of the *Res*.

NOTE.—A fee will be charged on each of the three last-named steps (5–7), that is to say, for the warrant, the service and arrest, and the expenses connected with and arising out of the custody of the ship, &c.

8. The fact of the arrest and the citation to appear shall be advertised in the usual way.

9. At any time before the trial of the case, the owner or captain, or any one interested in the vessel or in the cargo or freight attached, may come in and give an undertaking to appear or to appear and give bail to the action. Such an undertaking shall operate as a stay of all proceedings for twenty-four hours, after which time, or such extended time as the Court may see fit to grant, if no appearance is entered or no bail given, the proceedings shall continue as if no such undertaking had been given.

NOTE.—If bail—which also implies appearance—be given, the *Res* arrested shall be released, and the action proceed.

(2) If only an appearance is entered, the *Res* shall be detained under arrest.

(3) On bail being tendered and an appearance entered, it shall be competent for the Court to require security for costs.

(4) On tender of bail, it shall be competent for the Court to accept the same, or to call on the petitioner to accept the same, or to make an order for justification of the bail.

10. A petition shall be filed within three days after the arrest is completed, unless a longer time shall on application be allowed by the Court; and such petition shall be served in the same way as the order of arrest, as well as upon any parties who may have appeared in answer to the citation.

11. The Rules prevailing in the Supreme Court with reference to answers, setting down the cases for hearing, and hearing, shall be applicable to causes in Admiralty.

12. At any stage of a cause, either party may pray for an appraisalment of the *Res*, and it shall be competent for the Court

to order such appraisement on such terms as to costs and expenses as it sees fit to impose.

13. All interlocutory proceedings, and all proceedings before and on the trial of the case, shall, as far as circumstances admit, be conducted in conformity with the General Rules of Procedure in the Supreme Court.

NOTE.—For formalities to be observed in causes of damage, see Appendix A.

14. On the cause being heard, the Court shall give judgment and decree the release of the *Res* or—in the event of a decision adverse to the ship, and should no bail have been given in the suit, or no satisfaction of the judgment of the Court be offered by the party (if any) who appeared to defend the suit—the sale thereof. The date at which such sale shall take place, and the manner—whether by public auction or otherwise, as shall seem to the Court most advantageous—shall be specified in the decree of the Court and notified by advertisement.

15. The proceeds of the sale shall be paid into Court, and therefrom shall the decree or decrees, on a day fixed for the appearance before the Court of the parties interested for the marshalling of their claims, be satisfied; and the surplus shall remain in Court until the person or persons claiming to be entitled thereto shall establish their claim or claims.

NOTE.—It shall be competent for any person, at any period in a suit, to file in Court a petition that he be decreed to share in the proceeds or in the balance thereof; and any proceedings of this description shall be conducted in the same way as such a claim would have been conducted against the *Res* itself.

16. It shall be competent for the Court to refer any matter requiring investigation, or having reference to accounts, rate of interest, repairs done to any ship, &c., to the Registrar alone, or to the Registrar assisted by one or two merchants or shipmasters to be appointed by it; and such reference shall take place within ten days from the date of the order therefor. Leave shall, when prayed for by either party, be given to file affidavits and counter-affidavits, provided always that the Judge shall have power to extend the time within which the reference is to take place whenever the filing of affidavits and counter-affidavits necessitates such extension.

Witnesses may be produced before the Registrar, provided four days' notice of an intention to examine them be given; and it shall be optional with the Registrar to permit or refuse to allow the attendance of Counsel or Solicitors at the hearing before him, and no costs shall be allowed for such attendance if the Registrar shall be of opinion that it was unnecessary.

The report of the Registrar shall be filed within ten days of the hearing before him, and notice of any objection to be made thereto shall be filed by the party making it, within five days of the filing of the report.

## [Admiralty Causes.]

All questions of cost of the reference shall be in the discretion of the Registrar, subject to the decision thereon of the Chief Judge.

17. In all cases the Court shall apply the English Law as administered in Admiralty Courts in England; and all matters of procedure, not otherwise provided for in these Rules or in the General Rules of Procedure for this Court, shall be governed, as far as may be, by the Rules in force in Her Majesty's High Court of Admiralty.

## APPENDIX A.

## CAUSES OF DAMAGE.

In causes of damage each party shall, at the time of filing his petition or answer, bring into and deposit in the Registry a sealed packet containing a statement of the following particulars :—

1. The names of the two vessels which came into collision, and the names of their respective masters.
2. The time of the collision as nearly as can be stated.
3. The locality of the collision.
4. The direction of the wind at the time.
5. The state of the weather.
6. The state and force of the tide.
7. The course and speed of the vessel when the other was first seen.
8. The lights, if any, carried by her.
9. The distance and bearing of the other vessel when first seen.
10. The lights, if any, of the other vessel which were first seen.
11. Whether any lights of the other vessel other than those first seen came into view before the collision.
12. What measures were taken, and when, to avoid the collision.
13. The parts of each vessel which first came into contact.

Such packets shall remain sealed, and shall not be opened, save by order of the Judge, until the pleadings and proofs are filed; they may be referred to at the hearing of the cause.

## APPENDIX B.

## FEES TO BE TAKEN BY THE SUPREME COURT SITTING IN ADMIRALTY.

- |   |                       |
|---|-----------------------|
| 1. On every warrant or citation .. .. .   | \$15.00               |
| 2. „ detainer .. .. .   | 15.00                 |
| 3. On retaining possession of a ship, or of a ship and goods, to include the cost of a ship keeper, if required, per day .. .. .          | 2.50                  |
| 4. On every release .. .. .   | 5.00                  |
| 5. „ commission, monition, decree, requisition, attachment or other instrument for which a fee is not specially provided .. .. .          | 15.00                 |
| 6. „ bail bond .. .. .  | 5.00                  |
| 7. „ affidavit of justification .. .. .   | 2.00                  |
| 8. „ subpoena .. .. .   | 2.00                  |
| 9. „ minute, including the entry of an order, if any .. .. .  | 1.00                  |
| 10. „ summons, including the entry of the Judge's or Registrar's order .. .. .  | 2.00                  |
| 11. „ notice of sale or notice of proceedings in a cause of possession [with fee on advertisement] .. .. .                                | 5.00                  |
| 12. „ notice of motion, including the entry of the Judge's order .. .. .  | 5.00                  |
| 13. „ petition .. .. .  | 1 per cent. on filing |
| 14. „ notice to have a cause placed on the List for Hearing, including the entry of the Judge's order, if the cause be by default .. .. . | \$5.00                |
| 15. Placing cause on Hearing List .. .. .   | 1½ per cent.          |
| 16. On the examination of any witness <i>viva voce</i> , either in Court or before the Registrar .. .. .                                  | \$1.00                |
| 17. „ administering an oath, for each deponent .. .. .  | 1.00                  |

## [Confiscations and Fines.]

18. On every document, on the same being filed, save an exhibit or any instrument or document previously issued from the Registry or the Marshal's Office .. .. .	\$3.00
19. „ every exhibit, including the marking thereof .. .. .	1.00
20. For every office copy of a document in the English language, per sheet, not exceeding 10 folios, including the Registrar's signature.. .. .	2.00
21. If required to be collated in the Registry, per sheet, not exceeding 10 folios, in addition to the above .. .. .	1.00
22. On a reference to the Registry .. .. .	25.00
23. If the attendance of one or two merchants is required, to each merchant .. .. .	25.00
24. In cases of great intricacy and large amount, to the Registry and to each merchant .. .. .	50.00
25. When the accounts to be investigated do not amount to \$1,500, to the Registry, and to each merchant .. .. .	15 a 25
26. When the accounts to be investigated do not amount to \$500, to the Registry and to each merchant .. .. .	7 a 15
27. On drawing the report and schedule in cases in which the claim exceeds \$500 .. .. .	10.00
28. „ drawing the report and schedule in cases where the claim does not exceed \$500 .. .. .	5.00
29. „ taxing any bill of costs, per sheet not exceeding 10 folios, from each party to the taxation .. .. .	2.00
30. „ taxing any bill of costs, per sheet not exceeding 10 folios, if but one party attend the taxation .. .. .	4.00
31. „ every order for payment of money out of the Registry .. .. .	2.00
32. Poundage on moneys paid out of the Registry in any cause, if the sum does not exceed \$250 .. .. .	1.00
33. „ moneys paid out of the Registry in any cause, if it exceeds \$250 but does not exceed \$500 .. .. .	2.00
34. „ moneys paid out of the Registry in any cause, if it exceeds \$500 but does not exceed \$1,000 .. .. .	5.00
35. For every additional \$500 .. .. .	2.00

(No. 127.) *RULES agreed upon between Sir Rutherford Alcock and the Prince of Kung for Joint Investigation in Cases of Confiscation and Fine by the Custom-House Authorities. Peking, 31st May, 1868.*

RULE I. It shall be the rule for all business connected with the Custom-House Department to be in the first instance transacted between the Commissioner of Customs and the Consul, personally or by letter; and procedure in deciding cases shall be taken in accordance with the following regulations.

Rule II. Whenever a ship or goods belonging to a foreign merchant are seized in a port of China by the Custom-House officers, the seizure shall be reported without delay to the *Kien-tuh* or Chinese Superintendent of Customs. If he consider the seizure justifiable he will depute the *Shwui-wu-sze*, or Foreign Commissioner of Customs, to give notice to the party to whom the ship or goods are declared to belong, that they have been seized because such or such an irregularity has been committed, and that they will be confiscated unless, before noon on a certain day, being the sixth day from the delivery of the notice, the Custom-House authorities receive from the Consul an official application to have the case fully investigated.

## [Confiscations and Fines.]

The merchant to whom the ship or goods belong, if prepared to maintain that the alleged irregularity has not been committed, is free to appeal, within the limited time, direct to the Commissioner, who is to inform the Superintendent.

If satisfied with his explanations, the Superintendent will direct the release of the ship or goods ; otherwise, if the merchant elect not to appeal to the Customs, or if, after receiving his explanations, the Superintendent still declines to release the ship or goods, he may appeal to his Consul, who will inform the Superintendent of the particulars of this appeal, and request him to name a day for them both to investigate and try the case publicly.

Rule III. The Superintendent, on receipt of the Consul's communication, will name a day for meeting at the Custom-House ; and the Consul will direct the merchant to appear with his witnesses there on the day named, and will himself on that day proceed to the Custom-House. The Superintendent will invite the Consul to take his seat with him on the bench ; the Commissioner of Customs will also be seated to assist the Superintendent.

Proceedings will be opened by the Superintendent, who will call on the Customs' employés who seized the ship or goods to state the circumstances which occasioned the seizure, and will question them as to their evidence. Whatever the merchant may have to advance in contradiction of their evidence, he will state to the Consul, who will cross-examine them for him. Such will be the proceedings in the interest of truth and equity. The Consul and Superintendent may, if they see fit, appoint deputies to meet at the Custom-House in their stead, in which case the order of proceeding will be the same as if they were present in person.

Rule IV. Notes will be taken of the statements of all parties examined, a copy of which will be signed and sealed by the Consul and Superintendent. The room will then be cleared, and the Superintendent will inform the Consul of the course he proposes to pursue. If he propose to confiscate the vessel or goods and the Consul dissent, the merchant may appeal, and the Consul having given notice of the appeal to the Superintendent, they will forward certified copies of the above notes to Peking, the former to his Minister and the latter to the Foreign Office, for their decision.

If the Consul agrees with the Superintendent that the ship or goods ought to be confiscated, the merchant will not have the right of appeal ; and in no case will the release of ship or goods entitle him to claim indemnity for their seizure, whether they be released after the investigation at the Custom-House or after the appeal to the high authorities of both nations at Peking.

Rule V. The case having been referred to superior authority, the merchant interested shall be at liberty to give a bond binding himself to pay the full value of the ship or goods attached, should the ultimate decision be against him, which bond being sealed with the Consular seal and deposited at the Custom-House, the

## [Confiscations and Fines.]

Superintendent will restore to the merchant the ship or goods attached; and when the superior authorities shall have decided whether so much money is to be paid, or the whole of the property seized be confiscated, the merchant will be called on to pay accordingly. If he decline to give the necessary security, the ship or merchandise attached will be detained. But whether the decision of the superior authorities be favourable or not the appellant will not be allowed to claim indemnity.

Rule VI. When the act of which a merchant at any port is accused is not one involving the confiscation of ship or cargo, but is one which, by Treaty or Regulation, is punishable by fine, the Commissioner will report the case to the Superintendent, and at the same time cause a plaint to be entered in the Consular Court. The Consul will fix the day of the trial and inform the Commissioner, that he may then appear with the evidence and the witnesses in the case. And the Commissioner, either personally or by deputy, shall take his seat on the bench, and conduct the case on behalf of the prosecution.

When the Treaty or Regulations affix a specific fine for the offence, the Consul shall, on conviction, give judgment for that amount; the power of mitigating the sentence resting with the Superintendent and Commissioner. If the defendant is acquitted and the Commissioner does not demur to the decision, the ship or goods, if any be under seizure, shall at once be released, and the circumstances of the case be communicated to the Superintendent. The merchant shall not be put to any expense by delay, but he shall have no claim for compensation on account of hindrance in his business, for loss of interest, or for demurrage. If a difference of opinion exist between the Consul and the Commissioner, notice to that effect shall be given to the Superintendent, and copies of the whole proceedings forwarded to Peking for the consideration of their respective high authorities.

Pending their decision, the owner of the property must file a bond in the Consular Court to the full value of the proposed fine, which will be sent to the Custom-House authorities by the Consul, and the ship or goods released.

Rule VII. If the Custom-House authorities and Consul cannot agree as to whether certain duties are leviable or not, action must be taken as Rule V directs, and the merchant must sign a bond for the value of the duties in question. The Consul will affix his seal to this document and send it to the Custom-House authorities, when the Superintendent will release the goods without receiving the duty, and these two functionaries will send statements of the case to Peking, one to his Minister, the other to the Foreign Office.

If it shall be decided there that no duty shall be levied, the Custom-House authorities will return the merchant's bond to the Consul to be cancelled, but if it be decided that a certain amount



[Pilotage.]

of duty is leviable, the Consul shall require the merchant to pay it at the Custom-House.

Rule VIII. If the Consul and the Custom-House authorities cannot agree as to whether confiscation of a ship, or a cargo, or both of them together, being the property of a foreign merchant, shall take place, the case must be referred to Peking for the decision of the Foreign Office and the Minister of his nation. Pending their decision the merchant must, in accordance with Rule V, sign a bond for the amount, to which the Consul will affix his seal and send it for deposit at the Custom-House. As difference of opinion as to the value [of ship or goods] may arise, the valuation of the merchant will be decisive, and the Custom-House authorities may, if they see fit, take over either at the price aforesaid.

If, after such purchase, it be decided that the property seized ought to be confiscated, the merchant must redeem his bond by paying in at the Custom-House the original amount of the purchase money. If the decision be against confiscation, the bond will be returned to the Consul for transmission to the merchant, and the case then be closed. The sum paid by the Custom-House authorities for ship or goods being regarded as their proper price, it will not be in the merchant's power, by a tender of the purchase money, to recover them.

[Copies of the above eight rules were sent by the Prince of Kung to the various Foreign Ministers at Peking for communication to their respective Consuls, to the Superintendents of Trade for the Northern and Southern Ports, and to the Inspector-General of Customs, on the 29th May, 1868.]

(No. 128.) *GENERAL PILOTAGE REGULATIONS\** agreed to and published by the British Minister, 3rd November, 1868.

## GENERAL REGULATION I.

### *Bye-Laws and Local Rules.*

1. Bye-laws and Rules necessary for the better ordering of pilotage matters at the ports are to be drawn up by the Harbour Masters in consultation with the Consuls and Chambers of Commerce, with whom also it rests in the same way to fix the number of Pilots, tariff of charges, and define the limits of the pilotage ground.

2. The number of Pilots for the port of \_\_\_\_\_ shall be \_\_\_\_\_.

3. The pilotage ground for the port of \_\_\_\_\_ shall be \_\_\_\_\_

defined as follows, viz. :—

4. The pilotage charges shall be as follows, viz. :—

Steamers, or sailing vessels in tow, per foot . . . . .

Sailing vessels, per foot .....

\* From Mayers' "China Treaties," 1902. See also the Foochow Pilotage Regulations, 1907 (No. 175).

## GENERAL REGULATION II.

*Pilots : Individuals eligible.*

The subjects, citizens, or protégés of Treaty Powers shall, equally with natives of China, and without distinction of nationality, be eligible for appointment when vacancies occur by the Board of Appointment, subject to the General Regulations now issued, and the Bye-laws to be under them enforced at the several ports respectively.

## GENERAL REGULATION III.

*Board of Appointment : how to be constructed.*

The Board of Appointment shall consist of the Harbour Master as President, the (or a) Senior Pilot, and two persons, whose names shall be drawn by lot by the Harbour Master from a list prepared and published by the Harbour Master in consultation with the Consuls and Chambers of Commerce.

## GENERAL REGULATION IV.

*Vacancies : how to be filled up.*

1. Whenever there may be a vacancy among the Pilots, it shall be duly notified in the local prints, and, eight days afterwards, the Board of Appointment shall proceed to fill it up by a competitive examination.

2. The Board may refuse to admit to the examination anyone who, having once been a licensed Pilot, has had his licence withdrawn, and also any candidate who is unable to produce Consular certifications as to character, &c.

3. The examination shall be public and gratuitous, and the vacancies shall be given to the most competent among the candidates without distinction of nationality, provided always the competency of the first on the list be not relative but absolute.

4. The Consul concerned may in person, or by deputy, be present and take part in the examination of candidates.

5. The majority of the votes of the members of the Board shall decide the admission of candidates for Pilot Licences, each member having one vote in the ballot ; but in the absence of the Consul concerned, the Harbour Master shall have a casting vote.

## GENERAL REGULATION V.

*Pilot's Licence : by whom to be issued.*

1. Pilots' Licences shall be issued by the Commissioner of Customs in the name and on behalf of the Chinese Government. Licences issued to pilots not being natives of China shall subsequently be viséd and registered at the Consulate concerned.

2. On the 1st day of July each year, every Pilot shall pay the sum of 10 haikwan taels for the renewal of his licence.

3. Every licensed Pilot shall be given a printed copy of the General Regulations and Local Rules, and shall produce the same, as well as his licence, when required.

#### GENERAL REGULATION VI.

##### *Apprentice Pilots : how to be taken.*

1. It shall be allowable for each licensed Pilot to take an apprentice, for whom he shall be responsible. On the application of pilots, the Harbour Master will supply apprentices with special certificates.

2. When the circumstances of the port appear to demand it, the Harbour Master may authorize apprentices to act temporarily, and within certain limits, as Pilots ; provided they have received certificates of competency from the Board of Appointment.

#### GENERAL REGULATION VII.

##### *Licensed Pilots : to whom subordinated : Unlicensed Piloting, &c.*

1. Licensed Pilots may carry on their business either singly or in companies. They must pay due respect to the wishes and instructions of the Harbour Master under whose orders and control they are placed, and who is invested with power to suspend or dismiss, subject to an appeal to the Consul concerned. When the Pilot is a foreigner, the appeal to be lodged within three days.

2. If guilty of any misconduct for which Consular punishment has been inflicted, or if proved to have committed any offence against revenue laws, the individual concerned may be suspended or dismissed by the Harbour Master, subject to an appeal to his Consul. If a foreigner, the appeal to be lodged within three days.

3. Any one piloting without a licence, or making use of another's licence, shall be subject to prosecution before his own authorities, who will deal with the offender in accordance with the laws of his country. Any Pilot lending his licence to another will be proceeded against and dealt with in the same way, in addition to forfeiting his licence.

4. Any Commanding Officer employing an unlicensed person to pilot his vessel will be liable to be fined in the sum of 100 taels by the authorities to whose jurisdiction he is amenable.

#### GENERAL REGULATION VIII.

##### *Pilot Boats : Regulations to be observed.*

1. Pilot boats shall be registered with their crews at the Harbour Master's office, where each boat will be given a certificate and number. The word, "Licensed Pilot Boat," shall, with the

## [Pilotage.]

number, be legibly painted at the stern, and on the head of the mainsail; and a flag, of which the upper horizontal half shall be yellow, and the lower green, shall be flown. Such registered pilot boats shall deposit their national papers with their Consul or the Customs; they shall be at liberty to move freely within the limits of the ports and pilotage ground, and shall be exempt from tonnage dues. On the requisition of the Harbour Master or his deputies, it will be obligatory on registered pilot boats to convey, from place to place within the limits, employes belonging to either Customs' or Harbour Master's departments, with such stores as may be wanted for either light-houses or light-ships.

2. Every licensed pilot boat shall pay a fee of 20 taels for renewal of licence on the 1st of July each year.

3. In case of a Pilot going off in an unregistered boat, he will be authorized to carry the pilot boat flag during the time he is on board; but no Pilot is authorized to cruise in an unregistered boat without special permission from the Harbour Master.

4. The owner or hirer of an unregistered boat making use of a pilot flag, and not having a licensed Pilot on board, shall be prosecuted before the authorities to whom he is amenable, or whose flag or national ensign he has the right to use.

5. A registered pilot boat is not permitted to fly the pilot flag, save when there is either a licensed pilot or certificated apprentice on board.

## GENERAL REGULATION IX.

*Flags to be exhibited on arrival.*

When nearing anchorage the Pilot shall cause to be exhibited:—

A red and white flag (No. 3—H) if the vessel is from Hong Kong, Japan, or any Chinese port.

A blue and white flag (No. 2—J) if from any foreign port.

A yellow and blue (No. 10—K) if the vessel is in ballast.

A red swallow tail (No. 5—B) if the vessel has gunpowder or other combustible on board.

## GENERAL REGULATION X.

*Harbour Pilots : Vessels in Harbour ; Berthing, &c.*

1. The duties of the harbour Pilots, where such exist, will be to take charge of vessels at the outer limit of the anchorage, berth them in accordance with the orders received from the Harbour Master's department, take charge of vessels shifting berths, going in or out of dock, or to and from a wharf or out of the anchorage, and to assist and report to the Harbour Master's office all matters concerning the shipping in port, and the conservancy of the river or harbour.

2. In berthing vessels the Harbour Master will, as far as possible, meet the wishes of commanding officers and consignees, and the

entrance, working, or clearance of vessels taking berths not assigned to them shall be stopped by the Customs until the Harbour Master's orders are complied with.

3. Vessels are to moor in accordance with orders received from the Harbour Master, and are not to remove from the anchorage without his permission.

4. The harbour pilotage fees payable to the Harbour Master are as follows :—

For berthing a vessel, or taking her out of port .....  
 Docking, undocking, mooring, &c. ....  
 Shifting a vessel's berth .....  
 Taking a vessel to or from a wharf .....

The above rules and regulations are provisional and may be amended, or added to, according to circumstances.

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(No. 129.) *RULES for the Mixed Court at Shanghai. Instituted 20th April, 1869.*

NOTIFICATION.

THE Undersigned is instructed by Her Britannic Majesty's Minister Plenipotentiary and Envoy Extraordinary, &c., to declare the following Rules for the Mixed Court to be in force for a period of one year from this date, unless otherwise ordered.\*

Her Britannic Majesty's Consulate, Shanghai, April 20, 1869.

W. H. MEDHURST.

*Her Britannic Majesty's Consul.*

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1. An official having the rank of Sub-Prefect will be deputed to reside within the foreign Settlements. He will have jurisdiction in commercial suits and in civil and criminal cases, generally within the foreign Settlements. He will have an official residence, and will be furnished with the cangue, the bamboo, and the minor means of punishment. He will provide food and lodging [for prisoners].

He will decide all civil and commercial suits between Chinese resident within the Settlements, and also between Chinese and foreign residents, in cases where Chinese are defendants, by Chinese law. He will be authorized to examine Chinese judicially, to detain them in custody, and to punish them by putting them in the cangue, by flogging, and by other minor punishments.

\* Provisional Rules defining the respective jurisdiction of the Mixed Courts of the International and French Settlements at Shanghai were drawn up at Shanghai, 10th June, 1902. See page 802 (No. 150).

2. Where a foreigner is concerned in a cause to be tried, a Consul or his deputy shall sit with the Sub-Prefect at the trial; but where Chinese only are concerned the Sub-Prefect shall adjudicate independently—the Consuls shall not interfere.

3. Where a defendant is a native in foreign employ, the Sub-Prefect will first communicate particulars to the Consul [of the nationality concerned], who will be bound to place the parties before the Court without attempting to screen or conceal them. A Consul or his deputy may attend the hearing, but he shall not interfere if no foreign interest is involved. The servants of non-trading Consuls shall not be arrested unless with the sanction of their masters.

4. In cases where Chinese subjects are charged with grave offences punishable by death and the various degrees of banishment, where, by Chinese law, a local officer with an independent seal would send up the case for revision by the Provincial Judge, who would submit it to the high authorities, to be by them referred to His Majesty or the Board of Punishment, it will still be for the District Magistrate of Shanghai to take action.

Inquests, when needed, are to be held by the District Magistrate of Shanghai, independently of the Sub-Prefect.

5. A Chinese criminal escaping to the foreign Settlements can be summarily arrested by the Sub-Prefect without warrant from the District Magistrate or aid from the municipal police.

6. Suits between natives and foreigners shall be decided equitably and impartially, and in accordance with Treaties. The Treaty provision is to be followed in cases where the foreigner has a Consul. When the foreigner has no Consul, the Sub-Prefect, sitting with a foreign [Consular] assessor, shall try the case, submitting the decision for the consideration of the Taotai. Should either party to a case be dissatisfied with the Sub-Prefect's decision, application for a new trial can be made to the Taotai or to the proper Consul.

7. Foreigners who may be charged with any offence, if represented by Consuls on the spot, shall be dealt with by them as the Treaties provide. Unrepresented foreign offenders will be tried and sentenced by the Sub-Prefect, the finding being submitted for the Taotai's approval, who will consult with some Treaty Power Consul on the subject. Where the offenders are Chinese, the Sub-Prefect will inflict the proper legal punishment.

8. The necessary staff of translators, linguists, writers, and servants, will be engaged by the Sub-Prefect, as also a foreigner or two for general purposes, by whom, also, foreign offenders having no Consul will be brought to trial or kept in custody when necessary. All expenses are to be drawn from the Taotai monthly. Acts of extortion or annoyance on the part of any of the employers shall be severely punished.

9. The Sub-Prefect shall keep a daily certified record of arrests made and cases tried; giving the names of the parties arrested, and

recording the grounds of decision in each case. This shall be open to the inspection of the superior authorities. Should the Sub-Prefect be inefficient or notorious he will be denounced and removed from office, another being appointed in his place.

10. When the Sub-Prefect has tried a case, should it be ascertained that plaintiff's charge was false or exaggerated, said plaintiff, whether native or foreigner, shall, on conviction, be mulcted by the Sub-Prefect in accordance with the rules which will be jointly drawn up by the Sub-Prefect and Consuls, and submitted for the Taotai's approval; and in the interests of justice, native and foreigner must in this respect be treated with perfect impartiality.

(No. 130.) *LAND REGULATIONS and Bye-Laws for the Foreign Settlements of Shanghai, north of the Yang-king-pang; with Rules of Procedure to be observed at Meetings of Ratepayers.* 1869.

[Approved by Order in Council of 25th October, 1881.\*]

CONTENTS.

	Page.
Joint Minute of Foreign Ministers .. .. .	665
Joint Memorandum of Foreign Ministers .. .. .	666
Preamble .. .. .	666

LAND REGULATIONS.

1. Boundaries and limits defined. Exemption of Government Property from Municipal Control .. .. .	667
2. Mode of acquiring land .. .. .	668
3. Final settlement and title-deeds .. .. .	668
4. Registration of land and charges thereon .. .. .	668
5. Transfers of lots, when to be registered .. .. .	669
6. Land surrendered to public use .. .. .	669
6A. Land for public roads .. .. .	747
6B. Railways .. .. .	748
7. Boundary stones be placed .. .. .	670
8. Chinese Government land tax, when payable .. .. .	670
9. Roads and jetties, assessment on land and houses, rates, dues, and taxes. Consuls to fix day for election of Council. Calling meeting of ratepayers .. .. .	670
10. Land-renters and others to appoint Committee or Council .. .. .	671
11. Committee or Council have power to make bye-laws .. .. .	672
12. Audit of accounts .. .. .	672
13. Suing defaulters .. .. .	672
14. Recovery of penalties under bye-laws .. .. .	673
15. Consuls may at any time call meeting of land-renters and others, &c. .. .. .	673
16. Cemeteries for foreigners, Chinese graves, &c. .. .. .	674
17. Breach of Regulations .. .. .	674
18. Nomination and voting for Council .. .. .	674
19. Election of Council, and qualifications of voters at public meetings .. .. .	675
20. Vacancies .. .. .	676
21. Tenure of office .. .. .	676
22. Questions and quorum .. .. .	676

\* Repealed. See Order in Council of 24th October, 1904 (No. 156), Article 169.

## [Land Regulations. Shanghai.]

## CONTENTS—continued.

## LAND REGULATIONS—continued.

	Page.
23. Committees .. .. .	676
24. Officers .. .. .	677
25. Funds .. .. .	677
26. Persons acting in execution of these Regulations not to be personally liable .. .. .	677
27. Council, how to be sued .. .. .	677
28. Amendment of Regulations hereafter .. .. .	678
29. Land-renters and ratepayers to mean “electors” .. .. .	678
30. Buildings .. .. .	749
Municipal police .. .. .	1080
BYE-LAWS. .. .. .	678
Rules of procedure to be observed at meetings of ratepayers .. .. .	686

## JOINT MINUTE.

The Code of Municipal and Land Regulations; issued on the 5th July, 1854, by the Consuls of Great Britain, the United States of America, and France, acting under instructions from their respective Plenipotentiaries for the better security and government of all foreigners at Shanghai, having been found by subsequent experience to be inadequate to meet the exigencies of the administration of law and order over the increasing population living at that port, was revised at a special meeting of the land-renters, convened by their respective Consuls, in the month of March, 1866, and submitted for approval through the Ministers of Great Britain, the United States of America, France, Russia, and North German Confederation, to those Governments, all of which have since officially signified their acceptance of the same. But meanwhile, through the separate action of the French Government, a Code of Réglemens d'Organisation Municipale was published 11th July, 1866; and again on the 14th April, 1868, with modification by the French Consul-General, which now has effect over that portion of the foreign settlement lying south of the Yang-king-pang Creek; and consequently, the aforesaid Code of revised land Regulations will apply only to that part of the foreign settlement lying north of this creek, whenever it goes into operation.

Therefore, in order to avoid longer delay, and its consequent imminent risks to the welfare and safety of those concerned, we, the Undersigned, do hereby provisionally agree, on behalf of our respective Governments, both to the Code of Réglemens issued 14th April, 1868, and to the revised land Regulations for the foreign settlement with the bye-laws annexed, prepared in March, 1866, which are severally to have effect within the limits now claimed on the south and north sides of the aforesaid creek, and are both alike to have the force of law on and after the 1st day of November, 1869, until the further pleasure of our respective Governments be made known.

And in pursuance of this Agreement, we will give the necessary instructions to the Consuls of our respective nationalities at



1869.]

GREAT BRITAIN, &c., AND CHINA.

[No. 130.]

[Land Regulations. Shanghai.]

Shanghai, through whom these two Codes shall be published for general information and observance.

In witness whereof we have signed this at Peking, the 24th September, 1869.

RUTHERFORD ALCOCK.

REHFUES.

EUG. BUTZOW.

*Chargé d'Affaires de Russie.*

ROCHECHOUART.

*Chargé d'Affaires de France.*

S. WELLS WILLIAMS.

*U.S. Chargé d'Affaires ad int.*

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#### MEMORANDUM.

In reference to the annexed Joint Minute, it is hereby declared that the revised Land Regulations, with the bye-laws, prepared in 1866, provisionally sanctioned by the Undersigned, shall be held to include the said Regulations as amended and modified by a public meeting of the land-renters, held on the 27th and 28th May, 1869. And subsequently considered at a meeting of the foreign Consuls, held on the 13th July, 1869, and by them confirmed.

And in reference to the question discussed by the Consuls relative to a provision for enabling individuals to sue the Council, the Undersigned sanction provisionally, and as an experiment subject to future modification if found expedient, the third proposition brought under consideration of the Consuls in their meeting of the 13th July, 1869, by which a Court, to be styled the "Court of Foreign Consuls," shall be established at the beginning of each year by the whole body of Treaty Consuls, and instructions will be given accordingly.

RUTHERFORD ALCOCK.

REHFUES.

ROCHECHOUART.

EUG. BUTZOW.

S. WELLS WILLIAMS.

PEKING,

October 21, 1869.

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#### LAND REGULATIONS.

##### *Preamble.*

Whereas certain Regulations, entitled Land Municipal Regulations, for the peace, good order, and government of all persons residing on the land set apart by the Chinese authorities for the residence of foreigners, were settled and agreed upon by the Repre-

representatives of England, France, and the United States of America, then being the three Treaty Powers, and under their instruction by the Consuls of the above-mentioned States, in communication with his Excellency Woo, the chief local authority representing the Chinese Government at Shanghai; and whereas it was therein provided that, hereafter, should any corrections be requisite in the aforesaid Regulations, or should it be necessary to determine on further rules, or should doubts arise as to the construction of or powers conferred thereby, the same should be consulted upon and settled by the Foreign Consuls and Intendant of Circuit in communication together, who should equitably decide thereon, and submit the same for confirmation to the Representatives of their respective countries in China, and to the Chinese Imperial Commissioner managing the affairs at the five ports. And whereas it is expedient that the said Regulations should be revised, and that further and better provision should be made for the peace, good order, and government of all persons residing on the land so set apart as aforesaid: be it ordered that the following revised Regulations, and the bye-laws annexed thereto, shall have effect and be binding upon all persons residing or being within the limits mentioned in the following Regulations, as to all matters and things comprised therein from and after the expiration of one month, after the same shall have been affixed and kept exhibited at the offices of the various foreign Consulates.

#### REGULATIONS.

##### *Boundaries.*

1\*. The boundaries of the land to which these Regulations apply are:—

1st. Those defined in the land Regulations, settled and agreed upon by Captain Balfour, Her Britannic Majesty's Consul, and Kung-Moo-Kew, Intendant of Circuit, on the 24th day of September, 1846; and further defined in the Agreement entered into between

\* Subsequently amended as follows:—

1. The boundaries of the land to which these Regulations apply are:—

(1.) Upon the North.—The Soochow Creek from the Hsiao Sha Ferry to a point about 70 yards west of the entrance therinto of the Defence Creek, thence in a northerly direction to the Shanghai-Paoshan boundary, thence following this boundary to the point where it meets the Hongkew Creek and thence in an easterly direction to the mouth of the Ku-ka-pang.

(2.) Upon the East.—The Whangpoo River from the mouth of the Ku-ka-pang to the mouth of the Yang-king-pang.

(3.) Upon the South.—The Yang-king-pang from its mouth to the entrance therinto of the Defence Creek, thence in a westerly direction following the line of the northern branch of the Great Western Road, and thereafter along that road to the Temple of Agriculture in the rear of the Bubbling Well village.

(4.) Upon the West.—From the Temple of Agriculture in a northerly direction to the Hsiao Sha Ferry on the Soochow Creek.

And they are more particularly defined by boundary stones fixed in position and by plans prepared and signed under the direction of the special deputies of H.E. Liu, Viceroy at Nanking, and of the Shanghai District Magistrate, together with the Chairman of the Municipal Council for the year 1899.

Rutherford Alcock, Esq., Her Britannic Majesty's Consul, and Liu, Intendant of Circuit, on the 27th day of November, 1848, and set forth in the copy,\* hereunto annexed, of the original map attached to the said Agreement.

And 2nd. On the north side of the Soochow Creek—north, the line from Yang-tsze-poo to the point opposite the Defence Creek; south, the Hwang-poo from the mouth of the Soochow Creek to the mouth of the creek entering the Hwang-poo, near the lower limit of the anchorage called the Yang-tsze-poo; west, the Soochow Creek from a point opposite the entrance of the Defence Creek to the Hwang-poo; east, the bank three *li* along the line of the Yang-tsze-poo.

*Exemption of Government Property from Municipal Control.*

Within the boundaries defined and above referred to under the first head are certain sites, namely, the new Custom House and the Temple of Rewards, together with the land set apart for the use of Her Britannic Majesty's Government, known as the British Consulate site, which are exempted from Municipal control, as well as any land hereafter to be settled or acquired by other Governments having Treaties with China for Government purposes only; but the British and foreign Consulate sites, the Custom House, and any lands acquired as above, shall bear their share of the public burdens and municipal taxes.

*Mode of acquiring Land.*

2. Any person desiring to rent land or purchase houses from the Chinese proprietors, within the said limits, shall do so in accordance with the provisions laid down in the Treaties of foreign Powers with China.

*Final Settlement and Title-Deeds.*

3. It having been ascertained that no impediment exists to the renting of the land, the parties interested may settle with the Chinese proprietors the price and conditions of sale, and they will then report the transaction to their Consular Representative, and lodge with him the Chinese proprietor's Agreement or deed of sale, in duplicate, accompanied by a plan clearly marking the boundaries. The said Consular Representative shall then transmit the same to the Intendant of Circuit, for examination. If the sale be regular, the deeds will be returned to the Consul, sealed by the Intendant of Circuit, and the purchase money can then be paid. If there are graves or coffins on the land rented, their removal must be a matter of separate agreement, it being contrary to the custom of the Chinese to include them in the agreement or deed of sale.

*Registration of Land and Charges thereon.*

4. All such conveyances or leases of land, so purchased as aforesaid, shall within one month from the time of the completion of

\* Not printed.

the sale be registered in the office of the Consular Representative of the purchaser ; and all charges by way of mortgage, whether of a legal or equitable character, shall also be registered in the like manner, and within one month of their execution.

*Transfers of Lots, when to be registered.*

5. All transfers of land shall be made at the Consulate where the deeds are registered, and also be registered at that of the vendee or assignee, and notice of the same shall be lodged by the Consul with the Municipal Council.

*Land surrendered to Public Use.*

6. It is understood and agreed that land heretofore surrendered by the various foreign renters to public use, such as roads and the beach grounds of the rivers within the aforesaid limits, shall remain henceforth dedicated to the same uses ; and as new lots are acquired, such parts thereof as are beach ground shall be held under and subject to similar uses ; and due provision shall be made for the extension of the lines of roads at present laid down as means of communication in the Settlement. To this end the Council, appointed by the land-renters and others entitled to vote on the terms and in the manner hereinafter mentioned within the boundaries referred to, will at the beginning of each year examine the map, and determine what new lines of road are necessary ; and all land subsequently rented shall only be rented on the terms of the renter surrendering to the public use the beach ground aforesaid, if any, and the land required for such roads ; and in no case shall land so surrendered, or which shall now be dedicated to the use of the public, be resumed, except with the consent of the proper majority of land-renters and others who may be entitled to vote as aforesaid in public meeting assembled, nor shall any act of ownership be exercised over the same by the renters thereof, notwithstanding any payment by them to the Chinese Government of any ground rent. Provided always that no act of appropriation or dedication for public uses of the said beach ground, or of ground for roads, other than those already defined, shall, contrary to the will of the renters thereof, in any case, be sanctioned or held lawful under these Regulations. On the admission by vote of public meeting of any tracts of land into the limits of the municipal authority, the Municipal Council shall give notice of all roads and public properties which they intend to set aside in the general interest ; and should any citizen or subject of a Treaty Power, who may previously have acquired land within such tracts, object to any part of the reservation thus notified, he must, within fourteen days after the issue of the notice, warn his own Consul or the Municipal Council of his objection, in order that steps may be taken to adjust the claim. Provided always that in the event of a failure to effect such adjustment on terms which may appear

reasonable to the Consul, the Council shall have the option of declining to accept jurisdiction over the proposed annexation, which consequently cannot take place. It shall also be lawful for the land-renters, and others who may be entitled to vote as hereinafter mentioned, in public meeting assembled, to purchase land leading or being out of the Settlement, or to accept land from foreign or native owners upon terms to be mutually agreed upon between the Council and such foreign or native owners, for the purpose of converting the same into roads or public gardens and places of recreation and amusement, and it shall be lawful for the Council from time to time to apply such portion of the funds raised under Article IX of these Regulations, for the purchase, creation, and maintenance of such roads, gardens, &c., as may be necessary and expedient. Provided always that such roads and gardens shall be dedicated to the public use, and for the health, amusement, and recreation of all persons residing within the Settlement.

6A.—*Land for Public Roads.\**

6B.—*Railways.\**

*Boundary Stones to be placed.*

7. When land is rented, stones having the number of the lot distinctly cut thereon, in English and Chinese, must be placed to define the boundaries thereof, under the supervision of the Consul applying for the land, and of the Chinese local authorities. A time will be named for the boundary stones to be fixed, in the presence of an officer deputed by the Consul, of the Tapaou of the district, and of the Chinese proprietors and the renter, in such manner that they may not interfere with the lines of road or the boundaries, or in any other way give cause for litigation and dispute hereafter.

*Chinese Government Land Tax, when payable.*

8. The annual rent on all lands leased by foreigners, reserved to the Chinese Government, shall be payable in advance on the 15th day of the 12th moon of each year. And all rent in arrear and unpaid on that day shall be recoverable in a summary manner, on the complaint of the Intendant of Circuit in the Court of the Consular Representative of the defaulting renter.

*Roads and Jetties, Assessment on Land and Houses, Rates, Dues, and Taxes. Consuls to fix days for Election of Council. Calling Meeting of Ratepayers.*

9. It being expedient and necessary for the better order and good government of the Settlement that some provision should be made for the appointment of an Executive Committee or Council, and for the construction of public works, and keeping the same in repair ;

\* See No. 143, page 746.

and for cleansing, lighting, watering, and draining the Settlement generally ; establishing a watch or police force therein ; purchasing and renting lands, houses, and buildings for municipal purposes ; paying the persons necessarily employed in any municipal office or capacity, and for raising money when necessary by way of loan or otherwise for any of the purposes aforesaid, the foreign Treaty Consuls, or a majority of them, shall, during the month of [April or May]\* in each year, and so early in the same as possible, fix the day for the election of the Executive Committee or Council, in manner hereinafter provided, giving fourteen days' notice of the same, and shall also during the said months give notice of a public meeting, to be held within twenty-one days of such notice, to devise ways and means of raising the requisite funds for these purposes ; and it shall be competent to such meeting duly assembled, or a majority thereof, including proxies for absent owners of land, to impose and levy rates and issue licences for the purposes mentioned in the By-laws, and to declare an assessment in the form of a rate to be made on the said land or buildings ; provided always that the proportion between the tax on land, and on houses or buildings, shall not exceed *one twentieth of one per cent.* on the gross value of land to *one per cent.* on the annual rental of houses ; and it shall also be competent to the said meeting, or a majority thereof as aforesaid, to impose other rates and taxes in the form of dues on all goods passed through the Chinese custom-house by any person or persons resident within the said limits, or landed, shipped, or trans-shipped at any place within the said limits ; provided the said rates or taxes levied in the form of dues shall in no case exceed the amount of *one-tenth of one per cent.* on the value of the goods so passed, landed, shipped, or trans-shipped, and in such other forms as may appear requisite and necessary for the purposes aforesaid.

*Land-Renters and others to appoint Committee or Council.*

10. And whereas it is expedient that the said land-renters, and others entitled to vote, on the terms hereinafter mentioned, in public meeting duly assembled, under and in accordance with the provisions of the preceding article, should appoint in the mode hereinafter provided an Executive Committee or Council to consist of not more than nine nor less than five persons, for the purpose of levying the rates, dues, and taxes hereinbefore mentioned, and applying the funds realised from the same for the purposes aforesaid, and for carrying out the Regulations now made, be it further ordered that such Committee, when appointed, shall have full power and authority to levy and apply such rates, dues, and taxes for the purposes aforesaid, and shall have power and authority to sue for all arrears of such rates, dues, and taxes, and recover the same from all defaulters in the Courts under whose jurisdiction

\* Subsequently altered to "January or February."

such defaulters may be, and shall also have power to enter and distrain on lands and tenements, and to seize and sell goods in respect of which rates, dues, and taxes are in arrear or unpaid.

*Committee or Council have power to make Bye-Laws.*

11. When in pursuance of these Regulations the above-mentioned Committee or Council shall have been duly elected, all the power, authority, and control conferred by the Bye-laws now sanctioned and annexed to these Regulations, and all the rights and property which by such Bye-laws are declared to belong to any Committee or Council, elected as aforesaid, shall vest in and absolutely belong to such Committee or Council, and to their successors in office, and such successors as are duly elected ; and such Committee shall have power and authority from time to time to make other bye-laws for the better enabling them to carry out the object of these Regulations, and to repeal, alter, or amend any such Bye-laws, provided such other Bye-laws be not repugnant to the provisions of these Regulations, and be duly confirmed and published ; and provided also that no Bye-laws made by the Committee under the authority of these Regulations, except such as relate solely to their Council, or their officers or servants, shall come into operation until passed and approved by the Consuls and Ministers of foreign Powers having Treaties, or a majority of them, and the ratepayers in special meeting assembled ; of which meeting, and the object of it, *ten days'* notice shall be given.

*Audit of Accounts.*

12. And whereas it is also expedient that due provision should be made for the auditing of the accounts of the said Committee, and for obtaining the approval and sanction of them by the ratepayers in public meeting duly assembled, be it ordered that the result of the said audit shall be made known, and the said sanction and approval shall be made at the annual public meeting convened by the Consuls as hereinbefore mentioned.

*Suing Defaulters.*

13. And it is further ordered that it shall be lawful for the said Committee, or their Secretary, to sue all defaulters in the payment of all assessments, rates, taxes, and dues whatsoever, levied under these Regulations, and of all fines and penalties leviabie under the Bye-laws annexed to them, in the Consular or the Courts under whose jurisdiction such defaulters may be, and to obtain payment of the same by such means as shall be authorized by the Courts in which such defaulters are sued. Provided that in case the Committee or Council shall be unable to discover the owner of goods in respect of which assessments, rates, dues, or taxes are in arrear or unpaid, or whose said owner shall be beyond the jurisdiction of

the Consular or judicial authorities, or where any one or more of the said defaulters or owners, shippers or consignees of goods refusing to pay, have no Consular representatives at Shanghai, the said Committee shall, with the consent of the local authorities, be at liberty to detain and sell such portion of the goods, or use such other means as, with the consent of the local authorities, may be necessary to obtain such payment of such assessments, rates, taxes, dues, fines, and penalties, or in respect of land or house assessment, to distrain on the land or houses to such extent as may be required to satisfy such assessment or dues.

*Recovery of Penalties under Bye-Laws.*

14. Be it also further ordered that any penalty or forfeiture or fees on licences provided for in the Bye-laws framed under the authority of these Regulations, and imposed in pursuance of such Bye-laws, may be recovered by summary proceedings before the proper Consular or other authority, and it shall be lawful for such authority, upon conviction, to adjudge the offender to pay the penalty or incur the forfeiture, as well as the costs attending the conviction, as such authority may think fit. All fines and penalties levied under these Regulations, and the Bye-laws framed and to be framed under them, shall be carried to the credit of the Committee in diminution of the general expenditure authorized by the provisions of these Regulations.

*Consuls may at any time call Meeting of Land-Renters and others, &c.*

15. Be it further ordered that it shall be competent for the foreign Consuls, collectively or singly, when it may appear to them needful, or for the electors, provided not less than twenty-five agree in writing so to do, to call a public meeting at any time, giving *ten days'* notice of the same, setting forth the business upon which it is convened, for the consideration of any matter or thing connected with the Municipality. And all resolutions passed by a majority at any such public meeting, including proxies for absent owners of land, on all such matters as aforesaid, shall be valid and binding upon the whole of the said electors if not less than *one-third* of the electors are present or represented. At such meeting the senior Consul present shall take the chair, and in the absence of a Consul, then such elector as the majority of voters present may nominate. In all cases in which electors in public meeting assembled, as herein provided, decide upon any matter of a municipal nature, not already enumerated, and affecting the general interests, such decision shall first be reported by the Chairman to the Consuls for their concurrence and approval, and unless such approval be given, such Resolution shall not be valid and binding. Provided always that a term of *ten days* shall elapse between the date of the Resolution and the signification of approval by the Consuls, during which time any person considering himself prejudiced in property or



interests by the Resolution may represent his case to the Consuls for their consideration. After the expiration of the term of *two months*, the Consular approval, if signified, shall be considered binding.

*Cemeteries for Foreigners, Chinese Graves.*

16. Within the said limits, lands may be set apart for foreign cemeteries. In no case shall the graves of Chinese on land rented by foreigners be removed without the express sanction of the families to whom they belong, who also, so long as they remain unmoved, must be allowed every facility to visit and sweep them at the established period, but no coffins of Chinese must hereafter be placed within the said limits, or be left above ground.

*Breach of Regulations.*

17. Hereafter, should information of a breach of these Regulations be lodged with any foreign Consul, or should the local authorities address him thereon, he may in every case within his jurisdiction summon, or cause to be summoned, the offender before him and, if convicted, punish him or cause him to be punished summarily, either by a fine not exceeding 300 dollars or by imprisonment not exceeding six months, or in such other manner as may seem just. Should any foreigner who has no Consular authority at Shanghai commit a breach of the said Regulations, then and in such case the Chinese chief authority may be appealed to by the Council, through one or more of the foreign Consuls, to uphold the Regulations in their integrity, and punish the party so infringing them.

*Nomination and Voting for Council.*

18. It shall be competent to any two persons, being foreigners, entitled to vote, to nominate any duly qualified person for election as a member of the Council, and all such nominations shall be sent in, in writing, with the signature of the proposer and seconder, as also the written assent to serve of the candidates proposed, at least *seven days* before the day appointed for the election, to the Secretary or other officer appointed by the existing Council to receive such nomination.

On the day after the expiration of the time allowed for sending in such nominations as aforesaid, the existing Council shall cause a list of the ratepayers proposed for election to be advertised in the public journals, and shall likewise cause such list to be exhibited thenceforward, until the day of election, in the council room and other public places.

On the day appointed for the election, should the number of ratepayers proposed for election as Councillors exceed nine, two officers appointed by the existing Council for the purpose shall attend at the place appointed for the election to receive the votes of the ratepayers. These officers shall be provided with a list of

all the ratepayers duly qualified to vote, and shall give to each such ratepayer as may be present, and may require it, a voting card or paper containing a list of the ratepayers proposed for election. The voter shall then mark on such voting lists the names of any number of persons, not exceeding nine, for whom he intends to vote, and shall deposit the list signed by himself, with his own name so marked, in a closed box provided for the purpose of receiving such list.

The poll shall remain open for two consecutive days, from 10 A.M. to 3 P.M., at which hour on the second day the poll shall be closed. Immediately upon the close of the poll two scrutineers appointed by the Council shall without delay proceed to open the box or boxes, examine the voting lists, and declare the names of the nine ratepayers who have the greatest number of votes, and who shall thereupon be considered duly elected as the Council for the ensuing municipal year.

Should the number of names proposed for election be exactly nine, or less than nine and more than four, it shall not be necessary to have a poll; but, on the day after the expiration of the time appointed for sending in nominations, the existing Council shall advertise and make known the names of the nine or lesser number of ratepayers proposed, and they shall be considered to be duly elected as the Council for the ensuing municipal year.

Should the number of names proposed for election be less than five, then on the day after the expiration of the time appointed for sending in nominations, the existing Council shall advertise and make known the names of the ratepayers, to be held on the day appointed for the election, at which meeting the ratepayers present shall proceed to elect, either by ballot or otherwise as they may then decide, as many more ratepayers as may be requisite to make the number before proposed up to five at the least, and such five or more ratepayers shall be considered duly elected as the Council for the ensuing municipal year.

*Election of Council and Qualifications of Voters at Public Meetings.*

19. Every foreigner, either individually or as a member of a firm, residing in the Settlement, having paid all taxes due, and being an owner of land of not less than 500 taels in value, whose annual payments of assessment on land, or houses, or both, exclusive of all payments in respect of licences, shall amount to the sum of 10 taels and upwards, or who shall be a householder paying on an assessed rental of not less than 500 taels per annum and upwards, shall be entitled to vote in the election of the said members of the Council, and at the public meetings,\* and no one shall be qualified to be

\* The following addition was inserted subsequently:—"Provided always that the proxies of ratepayers only who are absent from the Consular District of Shanghai, or are prevented by illness from attending, shall be admitted to vote at such meetings."

a member of the said Council unless he shall pay an annual assessment, exclusive of licences, of 50 taels, or shall be a householder paying on an assessed rental of 1,200 taels per annum. Provided always that this clause shall not entitle any firm to more than one vote.

A list of persons duly qualified to vote according to the Regulations to which these Bye-laws are appended shall be kept at the office of the Council, and such list shall be revised and corrected by the Secretary of the Council on the first day of March\* in each year, or so soon after as may be convenient, and published for the information of the public in such manner as the Council for the time being shall think proper.

#### *Vacancies.*

20. In case of a vacancy or vacancies occurring during their tenure of office, the existing Council shall have the power to fill up such vacancy or vacancies by the vote of the majority of the Council, providing such vacancies do not exceed three in number.

Should the vacancies exceed three, an election of the whole number of new members who have not been originally elected shall be called in the manner previously provided for by Article XVIII.

#### *Tenure of Office.*

21. The Council shall enter upon their office as soon as the accounts of the retiring Committee shall have been audited and passed at the annual meeting mentioned in Articles IX and XII, and shall remain in office until their own accounts have been duly audited and accepted, and their successors assume direction. At their first meeting the new Council shall elect a Chairman and Vice-Chairman, who shall hold office for one year. In their temporary absence, the members present at any meeting of the Council shall elect their Chairman for such meeting.

#### *Questions and Quorum.*

22. On all questions in which the members of the Council present are equally divided in opinion, the Chairman shall have a second or casting vote. Three members of the Council shall constitute a quorum for the dispatch of business.

#### *Committees.*

23. The Council may from time to time appoint out of their own body such and so many committees, consisting of such number of persons as they shall think fit, for all or any of the purposes wherein they are empowered to act, which in the discretion of the Council would be better regulated and managed by means of such Committees; and may fix the quorum of such Committees.

\* Subsequently altered to "December."

*Officers.*

24. The Council may from time to time appoint such officers and servants as they think necessary for carrying out these Regulations, and fix the salaries, wages, and allowances of such officers and servants, and may pay the same out of the municipal funds, and make Rules and Regulations for the government of such officers and servants, and may discontinue or remove any of them from time to time as they shall think fit. Provided always, that no officers shall be appointed for any longer period than three years, unless the said appointment, together with the salary appertaining thereto, be sanctioned by a public meeting of the electors duly convened.

*Funds.*

25. The Council shall administer the municipal funds for the public use and benefit, at their discretion, with due regard to the Budget passed, provided they do not exceed the sum voted at the annual meeting, or any special meeting called to vote expenses, and a statement shall be drawn up by them at the end of each year for which the Council has been elected, showing the nature and amount of the receipts and disbursements of the municipal funds for that year, and the said statement shall be published for general information at least *ten days* previous to the annual meeting hereinbefore mentioned.

*Persons acting in execution of these Regulations not to be personally liable.*

26. No matter or thing done, or contract entered into, by the Council, nor any matter or thing done by any member thereof, or by the Secretary, Surveyor, Superintendent of Police, or other officer or person whomsoever, acting under the direction of the Council, shall, if the matter or thing were done, or the contract entered into *bond fide* for the purpose of executing these Regulations, subject them, or any of them, personally to any action, liability, claim, or demand whatsoever; and any expense properly and with due authority incurred by the Council, Members, Secretary, Surveyor, Superintendent of Police, or other officer or person acting as last aforesaid, shall be borne and repaid out of the rates levied under the authority of these Regulations.

*Council, how to be sued.*

27. And be it further ordered that the Executive Committee or Council may sue and be sued in the name of their Secretary for the time being, or in their corporate capacity or character as "Council for the Foreign Community of Shanghai," and such Committee, Council, or Secretary shall have all the rights and privileges which private complainants have to recover and enforce judgments obtained by them, and shall also incur the obligations

which private defendants have in proceedings at law or suits in equity commenced against them, provided that the individual members of the Council or their Secretary shall not be personally responsible, but only the property of the Council, and all proceedings against the said Council or their Secretary shall be commenced and prosecuted before a "Court of Foreign Consuls," which shall be established at the beginning of each year by the whole body of Treaty Consuls.

*Amendment of Regulations hereafter.*

28. Hereafter, should any corrections be requisite in these Regulations, or should it be necessary to determine on further Rules, or should doubts arise as to the construction of, or powers conferred thereby, the same must be consulted upon and settled by the Foreign Consuls and local Chinese authorities, subject to confirmation by the Foreign Representatives and Supreme Chinese Government at Peking.

*Land-Renters and Ratepayers to mean "Electors."*

29. That the words "renters of land and ratepayers," wherever they occur in the foregoing Regulations, shall, where not otherwise indicated by the connection in which they occur, be taken to mean electors entitled to vote according to the terms of Article XIX.

30.—*Buildings.\**

BYE-LAWS

*Annexed to the Land Regulations for the Foreign Settlements of Shanghai, North of the Yang-king-pang.*

1. The entire control and management of all public sewers and drains within the limits of these Regulations, and all sewers and drains in and under the streets, with all the works and materials thereunto belonging, whether made at the time these Regulations become valid or at any time thereafter, and whether made at the cost of the Council or otherwise, shall vest in and belong to the Council.

2. The Council shall, from time to time, cause to be made under the streets such main and other sewers as shall be necessary for the effectual draining of the town or district within such limits, and also all such reservoirs, sluices, engines and other works as shall be necessary for cleaning such sewers, and, if needful, they may carry such sewers through and across all or any of the streets, doing as little damage as may be, and making compensation, to be determined by arbitration, or recoverable in the manner provided by these Regulations for any damage done; and if for completing any of the aforesaid works it be found necessary to carry them into or through any enclosed or other lands, the Council may, after reasonable notice, carry the same into or through such lands accordingly, making compensation as aforesaid to the owners and occupiers thereof; and they may also cause such sewers to communicate with and empty themselves into the river, or they may cause the refuse from such sewers to be conveyed by a proper channel to the most convenient site for collection and sale for agricultural or other purposes, as may be deemed most expedient, but so that the same shall in no case become a nuisance.

3. The Council may from time to time, as they see fit, enlarge, alter, arch over, and otherwise improve, all or any of the sewers vested in them; and if any of

\* See No. 143, page 746.

such sewers at any time appear to them to have become useless, the Council, if they think fit to do so, may demolish and discontinue such sewers, provided that it be so done as not to create a nuisance.

4. Every person, not being employed for that purpose by the Council, who shall make any drain into any of the sewers or drains so vested in the Council, shall forfeit to the Council a sum not exceeding \$100; and the Council may cause such branch drain to be re-made, as they think fit, and all the expenses incurred thereby shall be paid by the person making such branch drain, and shall be recoverable by the Council as damages.

5. No sewer or drain shall be made, or any building be erected over any sewer belonging to the Council, without the consent of the Council first obtained in writing; and if after the passing of these Regulations any sewer or drain be made, or any building be erected contrary to the provisions herein contained, the Council may demolish the same, and the expenses incurred thereby shall be paid by the person erecting such building, and shall be recoverable as damages.

6. All sewers and drains within the limits of these Regulations, whether public or private, shall be provided by the Council, or other persons to whom they severally belong, with proper traps or other coverings or means of ventilation, so as to prevent stench.

7. The expense of maintaining and cleansing all sewers, not hereinbefore provided for, shall be defrayed out of the rates and taxes to be levied under Article IX of these Regulations.

8. \*It shall not be lawful to erect any house within such limits, or to rebuild any house in the Settlement, until a drain or drains be constructed, of such size and materials, and at such level, and with such fall, as upon the report of the Surveyor, made to the Council, shall appear to be necessary and sufficient for the proper and effectual drainage of the same and its appurtenances; such report to be made within fourteen days after notice is given to the said Surveyor of the proposed erection or rebuilding, and in default thereof all parties shall be at liberty to proceed with any such erection or building as if no such report were required; and if a sewer of the Council, or a sewer which they are entitled to use, be within 100 feet of any part of the site of the house to be built or rebuilt, the drain or drains so to be constructed shall lead from and communicate with such sewer as the Council shall direct; or if no such means of drainage be within that distance, then the last-mentioned drain or drains shall communicate with and be emptied into

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\* Subsequently amended as follows:—

8. No new building shall be erected nor shall any old building be rebuilt until arrangements shall have been made and approved whereby the land forming or to form the site thereof shall be raised to such a height having regard to the centre of the nearest public road as the Municipal Council may require, and all alleyways leading to or adjoining such buildings shall be raised and drained by the person building to the satisfaction of the Municipal Council; and whoever shall commence to erect any new building, or to rebuild any old building, and who shall fail to comply with the provisions of this Bye-law shall be liable for every such offence to a fine not exceeding \$250, and it shall be lawful for the Municipal Council to stop any such building or rebuilding until the provisions of this Bye-law have been complied with.

No new building shall be erected nor shall any old building be rebuilt without such drain or drains constructed of such dimensions and materials and at such level and with such fall as may appear to the Municipal Council to be necessary and sufficient for the proper and effectual drainage of such building and its appurtenances; and if a public sewer or a sewer which the Municipal Council are entitled to use be within one hundred feet of any part of the site of such building the drain or drains so to be constructed shall lead to and communicate with such sewer in such manner as the Municipal Council may direct; or if no such sewer be within that distance then the last-mentioned drain or drains may, at the option of the person building, communicate with and be emptied into the nearest of such sewers or into such covered cesspool or other place as the Municipal Council may direct; and whoever shall erect any new building or rebuild any old building, or construct any drain contrary to this Bye-law, shall be liable for every such offence to a fine not exceeding \$250; and if at any time the Municipal Council shall discover that any building, whether built before or after the passing of this Bye-law, is without such a drain or drains as is or are sufficient for the proper and effectual drainage of the same and its appurtenances; and if a sewer of the Municipal Council, or a sewer which they are entitled to use, be within

such covered cesspool, or other place not being under any house, and not being within such distance from any house, as the Council shall direct; and whosoever erects or rebuilds any house, or constructs any drains contrary to this Bye-law shall be liable for every such offence to a penalty or fine not exceeding \$250; and if at any time, upon the report of the Surveyor, it appear to the Council that any house, whether built before or after the passing of this Bye-law, is without any drain, or without such a drain or drains communicating with a sewer, as is or are sufficient for the proper and effectual drainage of the same and its appurtenances; and if a sewer of the Council, or a sewer which they are entitled to use, be within 100 feet of any part of such house, they shall cause notice in writing to be given to the owner or occupier of such house, requiring him forthwith, or within such reasonable time as shall be specified therein, to construct and lay down, in connection with such house, one or more drain or drains, of such materials and size, at such level, and with such fall, as upon the last-mentioned report shall appear to be necessary, and if such notice be not complied with, the Council may, if they shall think fit, do the works mentioned or referred to therein; and the expenses incurred by them in so doing, if not forthwith paid by the owner or occupier, shall be defrayed by the Council, and by them be recovered from the owner of the house in the same manner as a penalty under these Bye-laws is recoverable.

8A.† When a notice plan or description of any work is required by any Rule made by the Council to be laid before the Council, the Council shall, within fourteen days after the same has been delivered or sent to their Surveyor, signify in writing their approval or disapproval, with reasons expressed generally for any disapproval of the intended work to the person proposing to execute the same.

Where the Council incur expenses in or about the removal of any work executed contrary to any Rule, the Council may recover the amount of such expenses either from the person executing the works removed or from the person causing the works to be executed at their discretion, in the same manner as they may recover penalties under the existing Bye-laws.

For the purposes of Regulation XXX the re-erecting of any building pulled down below the first floor, or of any frame building of which only the frame work is left down to the first floor, or the conversion into a dwelling-house of any building not originally constructed for human habitation, or the conversion into more than one dwelling-house of a building originally constructed as one

one hundred feet of any part of such building, they may cause notice in writing to be given to the owner or occupier of such building, requiring him within such reasonable time as shall be specified therein to construct and lay down in connection with such building one or more drain or drains communicating with such sewer of such materials and dimensions at such level and with such falls as shall appear to be necessary, and, if such notice be not complied with, the Municipal Council may, if they think fit, do the works mentioned or referred to therein, and the expenses incurred by them in so doing, if not forthwith paid by the owner or occupier, shall be defrayed by the Municipal Council, and such expenses shall be recoverable from the owner of the building as damages.

Fourteen clear days before it is intended to commence the erection of any new building or the rebuilding of any old building a block plan of the land, showing the buildings to be erected thereon, shall be submitted to the Municipal Council for their approval. On such plan there shall be clearly marked:—

- (a) The intended height of the land compared with the centre of the nearest public road.
- (b) The position and dimensions of all drains and sewers already constructed or intended to be constructed in connection with such buildings.
- (c) The position and dimensions of all intended fire-walls.
- (d) The height above the roadway and the width of all intended projections into or over any public road.

Within fourteen days after the said plan shall have been submitted to the Municipal Council, the latter shall signify to the person submitting such plan their approval or disapproval with reasons expressed generally for any disapproval of the same, and no building operations shall be commenced until the Municipal Council have signified their approval of the said plan, it being understood that in the event of the Council failing to express either approval or disapproval, with reasons as above, within the above-named period, all parties shall be at liberty to proceed as if no such approval were required.

† Inserted subsequently.

dwelling-house only, or the increase in height of the walls of a building, shall be considered the erection of a new building.

The Council may, in making any Rule under Regulation XXX, prescribe the fine with which the contravention thereof shall be punishable, but so that such fine shall not exceed for any one offence the sum of \$25, or, in the case of a continuing offence, the sum of \$10 for every day during which such offence is continued.

The Council may also fix the fees to be charged to the persons who submit plans and specifications under the provisions of the Rules.

9. The Council, and none other, shall be surveyors of all highways within the aforesaid limits, and within those limits shall have all such powers and authorities, and be subject to all such liabilities, as any surveyors of highways are usually invested with.

10. The management of all the public streets, and the laying out and repairing thereof on passing of these Regulations, or which thereafter may become public highways, and the pavements and other materials, as well in the footways as carriage-ways of such public streets, and all buildings, materials, implements and other things provided for the purposes of the said highways shall belong to the Council.

11. The Council may stop any street, and prevent all persons from passing along and using the same, for a reasonable time, during the construction, alteration, repair, or demolition of any sewer or drain in or under such street; so long as they do not interfere with the ingress or egress of persons on foot to or from their dwellings or tenements.

12. Every person who wilfully displaces, takes up, or makes any alteration in the pavement, flags, or other materials of any street under the management of the Council, without their consent in writing, or without other lawful authority, shall be liable to a penalty or fine not exceeding \$25, and also a further sum not exceeding \$1 for every square foot of the pavement, flags, or other materials of the street so displaced, taken up, or altered.

13. For the purposes of these Regulations, if the Council deem it necessary to raise, sink, or otherwise alter the situation of any waterpipe or gaspipe laid in any of the streets, they may from time to time, by notice in writing, require the person or persons to whom any such pipes or works belong, to cause forthwith, as soon as conveniently may be, any such pipes or works to be raised, sunk, or otherwise altered in position, in such manner as the Council direct; provided that such alteration be not such as permanently to injure such works, or to prevent the water or gas from flowing as freely and conveniently as before; and the expenses attending such raising, sinking, or altering, and compensation for every damage done thereby shall be paid by the Council out of the rates and taxes levied under these Regulations.

If the person or persons to whom any such pipes or works belong do not proceed forthwith, or as soon as conveniently may be after the receipt of such notice, to cause the same to be raised, sunk, or altered in such manner as the Council require, the Council may themselves—but then at the costs and charges of the person or persons to whom the pipes or works belong, such costs and charges to be recoverable in the same way as the penalties enacted under these Bye-laws—cause such pipes or works to be raised, sunk, or altered as they think fit; provided that such works be not permanently injured thereby, or the water or gas prevented from flowing as freely and conveniently as before.

14. The occupier of every house or building in, adjoining, or near to any street, shall within *fourteen days* next after service of an Order of the Council for that purpose, put up and keep in good condition a shoot or trough of the whole length of such house or building, and shall connect the same either with a similar shoot on the adjoining house, or with a pipe or trunk to be fixed to the front or side of such building from the roof to the ground to carry the water from the roof thereof in such manner that the water from such house, or any portico or projection therefrom, shall not fall upon the persons passing along the street, or flow over the footpath, and in default of compliance with any such order within the period aforesaid, such occupier shall be liable to a penalty or fine not exceeding \$10 for every day that he shall so make default.

15. When any building materials or other things are laid, or any hole made in any of the streets, whether the same be done by order of the Council or not, the person or persons causing such materials or other things to be so laid, or such hole to be made, shall at his own expense cause a sufficient light to be fixed in a proper place upon or near the same, and continue such light every night from sun-setting to sun-rising, while such materials or hole remain; and such person



## [Land Regulations. Shanghai.]

shall at his own expense cause such materials or other things and such hole to be sufficiently fenced and inclosed until such materials or other things are removed, or the hole filled up or otherwise made secure; and every such person who fails so to light, fence, or inclose such materials or other things or such hole shall for every such offence be liable to a penalty or fine not exceeding \$25, and a further penalty or fine not exceeding \$10 for every day while such default is continued.

16. In no case shall any such building materials or other things or such hole be allowed to remain for an unnecessary time, under a penalty or fine not exceeding \$25, to be paid for every such offence by the person who causes such materials or other things to be laid, or such hole to be made, and a further penalty or fine not exceeding \$10 for every day during which such offence is continued after the conviction for such offence, and in any such case the proof that the time has not exceeded the necessary time shall be upon the person so causing such materials or other things to be laid, or causing such hole to be made.

17. If any building, or hole, or other place near any street be, for want of sufficient repair, protection, or inclosure, dangerous to the passengers along such street, the Council shall cause the same to be repaired, protected, or inclosed, so as to prevent danger therefrom, and the expenses of such repair, protection, or inclosure shall be repaid to the Council by the owner of the premises so repaired, protected, or inclosed, and shall be recoverable from him as damages.

18. The Council shall cause all the streets, together with the foot pavements, from time to time to be properly swept and cleansed, and all dust and filth of every sort found thereon to be collected and removed, and shall cause all the dust, ashes, and rubbish to be carried away from the houses and tenements of the inhabitants of the town and district within such limits, at convenient hours and times, and shall cause the privies and cesspools within the said town or district to be from time to time emptied and cleansed in a sufficient and proper manner.

19. The Council may compound, for such time as they think fit, with any person liable to sweep or clean any footway under the provisions of these Regulations, for sweeping and cleaning the same in the manner directed by these Regulations.

20. If any building or wall be deemed by the Surveyor of the Council to be in a ruinous state, and dangerous to passengers or to the occupiers of the neighbourhood, such Surveyor shall immediately make complaint thereof to the Consul of the nation of the person or persons to whom the building belongs, and it shall be lawful for such Consul to order the owner, or in his default the occupier (if any) of such building, wall, or other thing, to take down, rebuild, repair, or otherwise secure to the satisfaction of such Surveyor, within a time to be fixed by such Consul; and in case the same be not taken down, repaired, rebuilt, or otherwise secured within the time so limited, or if no owner or occupier can be found on whom to serve such order, the Council shall with all convenient speed cause all or so much of such building, wall, or other thing, as shall be in a ruinous condition and dangerous, as aforesaid, to be taken down, repaired, rebuilt, or otherwise secured, in such manner as shall be requisite, and all the expenses of putting up every such fence, and of taking down, repairing, rebuilding, or securing such building, wall, or other thing, shall be paid by the owner or owners thereof.

21. If such owner or owners can be found within the said limits, and if on demand of the expenses aforesaid he neglect or refuse to pay the same, then such expenses may be levied by distress, and the Consul, on the application of the Council, may issue his warrant accordingly.

22. If such owner cannot be found within such limits, or sufficient distress of his goods and chattels within such limits cannot be made, the Council, after giving *twenty-eight days'* notice of their intention to do so, by posting a printed or written notice in a conspicuous place on such building, or on the land whereon such building stood, and by giving notice in the local newspapers under the head of "Municipal Notification," may take such building or land, sell the same by public auction, and from and out of the proceeds of such sale may reimburse themselves for the outlay incurred, or the Council may sell the materials thereof, or so much of the same as shall be pulled down, and apply the proceeds of such sale in payment of the expenses incurred in respect of such house or building; and the Council shall restore any overplus arising from such sale to the owner of such house or building, on demand; nevertheless, the Council, although they sell such materials for the purpose aforesaid, shall have the same remedies for compelling the payment of so much of the said expense as may remain due after the application of the proceeds of such sale as are hereinbefore given to them, for compelling the payment of the whole of the said expenses.

23. The Council may give notice to the occupier of any house or building to remove or alter any porch, verandah, shed, projecting window, step, cellar, cellar-door, or window, sign, sign-post, sign-iron, show-board, window-shutter, wall, gate, or fence, or any other obstruction or projection erected or placed against or in front of any house or building within such limits, and which is an obstruction to the safe and convenient passage along any street; and such occupier shall, within *fourteen days* after the service of such notice upon him, remove such obstruction or alter the same in such manner as shall have been directed by the Council, and in default thereof shall be liable to a penalty or fine not exceeding \$10, and the Council in such case may remove such obstruction or projection, and the expense of such removal shall be paid by the occupier so making default, and shall be recoverable as damages. Provided always, that in the case in which such obstructions or projections were made or put up by the owner, the occupier shall be entitled to deduct the expense of removing the same from the rent payable by him to the owner of the house or building.

24. Every person who shall obstruct the public roads or foot-paths, with any kind of goods or building materials, shall be liable to a penalty or fine not exceeding \$10 for every twenty-four hours of continued obstruction, and after the first twenty-four hours' notice shall be given by the Council to the owner of the same, or the person using, employing, or having control over the same, or in the absence of any such person, or inability on the part of the Council to discover such owners or persons, then it shall be lawful for the Council to remove and retain the same until the expense of such removal shall have been repaid, and the Council may recover the expense of such removal as damages; and the Council may, after the lapse of a reasonable time, sell the same, holding the balance (if any), after payment of penalties, expenses, and costs, to the use of the person entitled to the same. And it shall be competent to the Council to charge for hoardings or scaffoldings which it may be found necessary for the safety of the public to place round buildings in course of erection, interfering with the public highway, should the owners or others refuse or neglect to provide the same.

25. All occupiers of land and houses shall cause the foot pavements in front of their houses to be swept and cleansed whenever occasion shall require, after the receipt of notice served upon them, and they shall also cause to be swept and cleansed all gutters, surface drains in the front, side, or rear of their premises, and remove all accumulations of soil, ashes, or rubbish; and every such occupier making default herein shall for every offence be liable to a penalty or fine not exceeding \$5, and for the purpose aforesaid when any house shall be let in apartments the person letting the same shall be deemed the occupier.

26. The Council may from time to time fix the hours within which only it shall be lawful to empty privies or remove offensive matter within such limits, and when the Council have fixed such hours, and given public notice thereof, every person who within such limits empties or begins to empty any privy, or removes along any thoroughfare within such limits any offensive matter, at any time, except within the hours so fixed, and also every person who at any time, whether such hours have been fixed by the Council or not, use for any such purpose any utensil or pail, or any cart or carriage, not having a covering proper for preventing the escape of the contents of such cart, or of the stench thereof, or who wilfully slops or spills any such offensive matter in the removal thereof, or who does not carefully sweep and clean every place in which any such offensive matter has been placed, or unavoidably slopped or spilled, shall be liable to a penalty or fine not exceeding \$10, and in default of the apprehension of the actual offender the driver or person having the care of the cart or carriage employed for any such purpose shall be deemed to be the offender.

27. No person shall suffer any offensive waste or stagnant water to remain in any cellar or other place within any house belonging to or occupied by him, or within or upon any waste land belonging to or in his occupation, within such limits, so as to be a nuisance, and every person who shall suffer any such water to remain for *forty-eight hours* after receiving notice of not less than *forty-eight hours* from the Council to remove the same, and every person who allows the contents of any privy or cesspool to overflow or soak therefrom, to the annoyance of the occupiers of any adjoining property, or who keeps any pig or pigs within any dwelling-house, within such limits, so as to be a nuisance, shall for every such offence be liable to a penalty or fine not exceeding \$10, and to a further penalty or fine not exceeding \$2 for every day during which such nuisance continues; and the Council may drain and cleanse out any stagnant pools, ditches, or ponds of water within such limits, being a nuisance, and abate any such nuisance as aforesaid,

## [Land Regulations. Shanghai.]

and for that purpose may enter, by their officers and workmen, into and upon any building or land within such limits at all reasonable times, and do all necessary acts for any of the purposes aforesaid; and the expenses incurred thereby shall be paid by the person committing such offence—or occupying the building or land whence such annoyance proceeds, and if there be no occupier, by the owner of such building or land—and shall be recoverable as damages.

28. If the dung or soil of any stable, cow-house, or pig-stye, or other collection of refuse matter, elsewhere than in any farmyard, be at any time allowed to accumulate within such limits for more than *seven days*, or for more than *two days* after a quantity exceeding one ton has been collected in any place not allowed by the Council, such dung, soil, or refuse, if not removed within *twenty-four hours* after notice from any officer of the Council for that purpose, shall become the property of the Council, and they, or any person with whom they have at the time any subsisting contract for the removal of refuse, may sell and dispose of the same, and the money thence arising shall be applied towards the purposes of the Council, or they may recover the expense of such removal from the occupier of the building or land as damages.

29. If at any time the Officer of Health, or, if for the time being there be no Officer of Health, any two surgeons or physicians, or one surgeon and one physician, residing within such limits, certify under his or their hands to the Council that any accumulation of dung, soil, or filth, or other noxious or offensive matter, within such limits, ought to be removed, as being injurious to the health of the inhabitants, the Secretary of the Council shall *forthwith* give notice to the owner or reputed owners of such dung, soil, or filth, or to the occupier of the land where the same are, to remove the same within *twenty-four hours* after such notice; and in case of failure to comply with such notice, the said dung, soil, or filth shall thereupon become vested in the Council, and they, or any person with whom they have at that time contracted for the removal of all such refuse, may sell and dispose of the same, and the money thence arising shall be applied towards the purposes of the Council, and they may recover the expense of such removal from such occupier or owner in the same manner as damages.

30. If at any time the Officer of Health, or if for the time being there be no Officer of Health, any two surgeons or physicians or one surgeon and one physician, residing within such limits, certify under his or their hands to the Council that any house, or part of any house or building within such limits is in such a filthy or unwholesome condition that the health of the inmates or of the neighbours is thereby affected or endangered, or that the whitewashing, cleansing, or purifying of any house or building, or any part thereof, would tend to prevent or check infectious or contagious disease therein, or that any drain, privy, or cesspool is in such a defective state that the health of the neighbours is thereby affected or endangered, the Council shall order the occupier of such house, or part thereof, to whitewash, cleanse, and purify the same, and the owner of such drain, privy, or cesspool to amend the condition thereof in such manner and within such time as the Council deem reasonable; and if such occupier or owner do not comply with such order, he shall be liable to a penalty or fine not exceeding \$10 for every day's neglect thereof; and in such case the Council may cause such house, or any part thereof, to be whitewashed, cleansed, and purified, or the condition of such drain, privy, or cesspool to be amended, and may recover the expense thereof from such occupier or owner in the same manner as damages.

31. If any candle-house, melting-house, melting-place, or soap-house, or any slaughter-house, or any building or place for boiling offal or blood, or for boiling or crushing bones, or any pig-stye, necessary house, dung-hill, manure-heap, or any manufactory, building, or place of business within such limits be at any time certified to the Council by the Inspector of Nuisances or Officer of Health, or if for the time being there be no Inspector of Nuisances or Officer of Health, by any two surgeons or physicians or one surgeon and one physician, to be a nuisance or injurious to the health of the inhabitants, the Council shall direct complaint to be made before the Consul of the nation of the person by or on whose behalf the work complained of is carried on, and such Consul shall inquire into such complaint, and may, by an order in writing under his hand, order such person to discontinue or remedy the nuisance within such time as to him shall appear expedient. Provided always that if it appear to such Consul that in carrying on any business complained of the best means then known to be available for mitigating the nuisance or the injurious effects of such business have not been adopted, he may suspend his final determination upon condition that the person so complained against shall undertake to adopt within a reasonable time such means as the said Consul shall

judge to be practicable, and order to be carried into effect for mitigating or preventing the injurious effects of such business.

32. Every occupier of any building or land within such limits, and every other person who refuses to permit the scavengers employed by the Council to remove such dirt, ashes, or rubbish as by these Bye-laws they are authorized to do, or who obstructs the said scavengers in the performance of their duty, shall for every such offence be liable to a penalty or fine not exceeding \$25.

33. No straw shed, bamboo-houses, or buildings of like inflammable material, shall be erected within such limits, nor shall contraband goods or merchandise likely to endanger life or cause injury to individuals, such as gunpowder, saltpetre, sulphur, large quantity of spirits in bulk, petroleum, naphtha, and other explosive gases or liquids, stand on the premises of any individual under a penalty or fine, recoverable from the offender, not exceeding \$250 for the first offence, and not exceeding \$500, with confiscation of the goods themselves to the use of the Council, for each succeeding offence. On articles of this nature being brought within such limits, immediate notice must be given by the importer, consignee, or owner thereof, to the Secretary of the Council, whose duty it will be to assign the locality or place within which such goods may be safely stored, and every refusal to obey, or disobedience of the order of the Secretary in this behalf, shall be visited upon the offender with a penalty or fine not exceeding \$250, and a penalty or fine not exceeding \$100 for every *twenty-four hours* of continued disobedience, and such penalty, together with the preceding penalty, and all other fines and penalties declared by these Bye-laws, shall be recoverable in a summary manner before the Consul or Court having jurisdiction over the offender or defaulter.

34.\* No person shall open or keep a house of public entertainment, music hall, theatre, circus, billiard, bowling or dancing saloon, or shop or store for the sale of wines, spirits, beer, intoxicating drugs, butchers' meat, poultry or game, slaughter-house or livery stable, or sell or vend any wines, spirits, beer, intoxicating drugs, butchers' meat, poultry, or game, or ply, let, or use for hire any boat, horse, or public vehicle, within such limits, without a licence first obtained from the Council, and in the case of foreigners countersigned by the Consul of the nationality to which such person belongs. In respect of such licences, the Council may impose such conditions and exact such security as the nature of the particular case may require, and charge such fees in respect thereof as may be authorized, at the annual general meeting of ratepayers. And any person offending against or infringing the provisions of this Bye-law shall be liable for every offence to a fine not exceeding \$100.

35. All persons firing guns or pistols, causelessly creating a noise or disturbance, and all persons guilty of furious or improper riding or driving, or the leading of horses up and down any thoroughfare for exercise, or who shall commit any act which may legitimately come within the meaning of the term nuisance, shall be liable to a penalty or fine not exceeding \$10.

36. All persons driving carriages or carts of any description, between one hour after sunset and one hour before sunrise, and not affixing lighted lamps to their vehicles, shall be liable to a penalty or fine not exceeding \$5 for each omission.

37. No person within such limits, except Consular officers and the officers of the Council duly authorized, and military and naval officers, volunteers or soldiers, or soldiers of any Government force in uniform or on duty, shall under any pretence

\* Subsequently amended as follows:—

No person shall open or keep a fair, market, house or place of public entertainment, music hall, theatre, circus, billiard, bowling or dancing saloon, brothel or pawnshop, dairy, or laundry, shop or store, for the sale of wines, spirits, beer, intoxicating or other drugs, lottery tickets or chances in lotteries, butchers' meat, poultry or game, slaughter house or livery stable, or sell or vend any wines, spirits, beer, intoxicating or other drugs, lottery tickets or chances in lotteries, butchers' meat, poultry or game, or keep for private use or ply, let or use for hire, any boat, horse or vehicle, or keep any dog, within such limits, without a licence first obtained from the Council, and in the case of foreigners countersigned by the Consul of the nationality to which such person belongs. In respect of such licences, the Council may impose such conditions and exact such security as the nature of the particular case may require, and charge such fees in respect thereof as may be authorized at the annual general meeting of ratepayers. And any person offending against or infringing the provisions of this Bye-law shall be liable for every offence to a fine not exceeding \$100, and a further fine for every *twenty-four hours* continuance of such offending or infringing not exceeding \$25.

## [Land Regulations. Shanghai.]

carry offensive or defensive arms, such as guns, pistols, swords, daggers, loaded sticks, slung shots, knives, or any weapon of like character, under a penalty or fine not exceeding \$10, or one week's imprisonment, with or without hard labour. Provided that nothing in this Bye-law be construed to extend to the carrying of fowling-pieces for the purpose of shooting game.

38. It shall be lawful for any officer or agent of the Council, and all persons called by him to his assistance, to seize and detain any person who shall have committed any offence against the provisions of these Bye-laws, and whose name and residence shall be unknown to such officer or agent, and convey him, with all convenient dispatch, before his proper Consul, without any warrant or other authority than these Bye-laws.

39. If any such nuisance, or the cause of any such injurious effects as aforesaid, be not discontinued or remedied within such time as shall be ordered by the said Consul, the person by or on whose behalf the business causing such nuisance is carried on shall be liable to a penalty or fine not exceeding \$25 for every day during which such nuisance shall be continued or unremedied after the expiration of such time as aforesaid.

40. Nothing in these Bye-laws contained shall be construed to render lawful any act or omission on the part of any person, which is or would be deemed to be a nuisance at common law, from prosecution or action in respect thereof, according to the forms of proceeding at common law, nor from the consequences upon being convicted thereof.

41. Every penalty or forfeiture imposed by these Bye-laws made in pursuance thereof, the recovery of which is not otherwise provided for, may be recovered by summary proceedings before the proper Consular representative, and it shall be lawful for such Consular representative, upon conviction, to adjudge the offender to pay the penalty or forfeiture incurred, as well as such costs attending the conviction, as such Consular representative shall think fit.

42. These Bye-laws shall be printed, and the Secretary of the Council shall deliver a printed copy thereof to every ratepayer applying for the same, without charge; and a copy thereof shall be hung up in the front, or in some conspicuous part of the principal office of the Council.

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RULES OF PROCEDURE TO BE OBSERVED AT MEETINGS OF RATEPAYERS.

1. When a meeting of ratepayers is convened, whether for general or special purposes, under provisions of Articles IX and XV of the Land Regulations, 1870, the notice of meeting shall state the business to be brought forward at such meeting.

2. No proposition or question shall be admitted for consideration during a meeting unless it arises directly out of any subject actually under discussion, and which has been duly notified, as above, in the notice convening the meeting; or unless a written Memorandum of such proposition or question be lodged with the Secretary of the Council *three* days before the date on which the meeting is convened. In the latter case a copy of such Memorandum will be published by the Council in the "North China Daily News" on the days before and of the meeting.

3. After the chair has been taken, as provided for by the Land Regulations of 1870, the meeting shall proceed to elect a Secretary for the then meeting.

4. Before the Chairman can declare a special meeting, called under the provisions of Article XV of the Land Regulations, 1870, formally constituted under the provisions of the Land Regulations, 1870, the Secretary of the Council shall announce that the requisite number of ratepayers are present or represented, and have registered their votes. No vote will be accepted at any meeting unless supported by a formal voting ticket, to be registered before entering the meeting room, to be supplied to each ratepayer on application to the Secretary of the Council.

5. A voter having once recorded his vote shall, in the event of his absence during division or divisions in session, be considered as having left his proxy with the Chairman of the Council, unless he leaves a proxy in other hands.

6. The meeting being duly opened, the Chairman shall read the notice convening it, and shall proceed with the business of the day in such order as is set down in the notice; and no subject shall be regarded as duly before the meeting unless put from the Chair.

7. No reference will be allowed to any subject or business already disposed of unless by special consent of the Chairman, or of a majority of the ratepayers present or represented at a meeting. A Resolution once passed can only be rescinded, or

## [Port, Consular, Customs, and Harbour Regulations.]

modified, by a majority of not less than *three-fourths* of the voters present or represented.

8. Every Resolution, or Amendment, must be in writing, and signed by the mover and seconder, before it can be put from the Chair.

9. The mode of procedure with regard to amendments shall be as follows: Any number of amendments may be moved; after which, the Chairman of the meeting shall put the question for and against, beginning with the amendment last proposed, until some one of the motions be carried, or all be rejected. The negating of any amendment, however, shall not import the affirmance of the immediately preceding motion; but such motion, whether an original one or an amendment on it, shall then, in its turn, be submitted to the meeting for affirmance or rejection.

10. Upon a division being called for, the Chairman shall direct the Secretary to read the list of ratepayers present at the meeting, and each ratepayer shall, as his name is read, declare whether he votes in the affirmative or the negative, and the number of votes which he casts. The result shall then be declared by the Chairman.

11. All documents which come before a ratepayers' meeting shall, if they have been previously exhibited for *three* clear days (exclusive of holidays) at the Council Room, be accepted as read.

12. Each speaker will address himself to the Chair. As a rule, except it be in explanation of the subject under discussion, or final reply, a ratepayer shall address the meeting but *once* on each subject. Any departure from this rule to be permitted only at the discretion of the Chairman.

13. The proceedings of a ratepayers' meeting shall be published as soon after it has taken place as possible. The title of such proceedings shall be "Debates, Proceedings and Votes of the Shanghai Ratepayers, in public meeting assembled on \_\_\_\_\_."

14. On all questions where the ratepayers present or represented are equally divided in opinion, the Chairman shall have a second or casting vote.

15. On all questions of order the decision of the Chairman shall be final, unless overruled by three-fourths of the voters present and represented.

16. These Rules of Procedure to be subject to modification if necessary by any meeting of the ratepayers formally assembled, and after due notice, as per Rule No. 11 (page 672).

(No. 131.) *PORT, CONSULAR, CUSTOMS, AND HARBOUR REGULATIONS, applicable to all the Treaty Ports in China.*—  
31st May, 1869.\*

[As Amended and Re-issued by Sir T. Wade in 1881.]

THE undersigned, Her Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary and Chief Superintendent of British trade in China, acting under the authority conferred upon him by the 85th Section of the China and Japan Order in Council, 1865,† hereby declares the following Regulations, made, in pursuance of the above Order in Council, to secure the observance of Treaties and the maintenance of friendly relations between British subjects and Chinese subjects and authorities, to be applicable to all ports which are or may hereafter become, open to British trade:—

I. The British Consulate offices at the several open ports shall be opened for public business from 10 o'clock A.M. to 4 o'clock P.M. daily, excepting Sundays, Christmas day, Good Friday, Queen's

\* Approved by Her Majesty's Government 21st August, 1869; confirmed by Order in Council, 25th October, 1881.

† Repealed. See Order in Council of 24th October, 1904 (No. 156), Article 169.

birthday, Easter Monday, and those holidays upon which public offices in England are closed, and Chinese New Year's day and such Chinese holidays as the Chinese Customs authorities may observe.

II. On the arrival of any British vessel at the anchorage of any of the open ports, the master shall, within 24 hours, deposit his ship's papers, together with a summary of the manifest of her cargo, at the Consulate office, unless a Sunday or holiday shall intervene.

III. Every British vessel must show her national colours on entering the port or anchorage, and keep them hoisted until she shall have been reported at the Consulate and her papers deposited there.

IV. No British vessel or any vessel the property of a British subject, unless provided with a certificate of registry, or provisional or other pass from the Superintendent of Trade at Peking or from the Colonial Government at Hong Kong, shall hoist the British ensign within any port or anchorage, or any flag similar to the British ensign, or of a character not to be easily distinguishable from it. Nor shall any registered British vessel flying the Red ensign hoist any other ensign or flag (except she be entitled to fly the Blue ensign) in use by Her Majesty's vessels of war, or the national ensign of any foreign State or any ensign or flag not plainly distinguishable from the ensigns used by Her Majesty's ships of war or from those flown by ships of foreign states.

V. Should any seaman absent himself without permission, the master shall forthwith report the circumstance at the Consulate office, and take the necessary measures for the recovery of the absentee, and it shall be lawful for the Consul, if circumstances shall require it, in his discretion to prohibit leave being given to seamen to come ashore, and any master who shall violate such prohibition shall incur the penalties hereinafter declared.

VI. The discharge of guns or other firearms from vessels in harbour is strictly prohibited, unless permission shall have been granted by the Consul.

VII. Masters of vessels when reporting their arrival at a port shall notify in writing the names of all passengers and persons not forming part of the articulated crew on board, and previous to leaving, notice must be given of the number and names of all persons, not forming part of the articulated crew, intending to leave the port on board any vessel.

VIII. All cases of death occurring at sea must be reported to the Consul within 24 hours of the vessel's arriving in port or harbour, and all cases of death on board vessels in harbour or in the residences of British subjects on shore, must be immediately reported at the Consulate office, and in the event of sudden or accidental death the fullest information obtainable should be given. It is strictly prohibited to throw overboard the bodies of seamen or other persons

dying on board of a vessel in harbour. Except in case of urgent necessity, no burial should take place on shore or from any ship in harbour without the licence of the Consul first obtained.

IX. Stone or ballast shall not be thrown overboard in any port or harbour, unless permission shall have been first obtained from the local authorities through the intervention of Her Majesty's Consular officer.

X. All cases of loss of property by theft or fraud on board ships, as well as of assault or felony requiring redress or involving the public peace, must be immediately reported at the Consulate office.

If any Chinese subject guilty of, or suspected of, having committed, a misdemeanour on shore or afloat be detained, information must in such cases be forthwith lodged at the Consulate office, and in no instance shall British subjects be permitted to use violence towards Chinese offenders or take the law into their own hands.

XI. Any vessel having in the whole above 200 lbs. of gunpowder or other explosive material on board, shall not approach nearer than a distance of one mile from the limits of the anchorage. On arriving at that distance, she must be forthwith reported to the Consular authority.

Special anchorages or stations will be assigned for such ships in the neighbourhood of the ports.

XII. No seamen or other person belonging to a British ship may be discharged or left behind at any port or anchorage without the express sanction of the Consul, and not then until sufficient security shall have been given for his maintenance and good behaviour while remaining on shore, and if required, for the expenses incident to his shipment to a port in the United Kingdom or to a British colonial port, according as the seaman or other person is a native of Great Britain or of any British colony.

If any British subject left at a port or anchorage by a British vessel be found to require public relief prior to the departure of such vessel from the dominions of the Emperor of China, the vessel will be held responsible for the maintenance and removal from China of such British subject.

XIII. When a vessel is ready to leave a port or anchorage, the master or consignee shall apply at the Chinese Custom-House for a Chinese port clearance, and on his presenting this document, together with a copy of the manifest of his export cargo, at the Consular office, his ship's papers will be restored to him, and he will be furnished with a Consular port clearance, on receiving which the vessel will be at liberty to leave the port. Should any vessel take in or discharge cargo subsequent to the issue of the Customs clearance, the master will be subject to a penalty, and the ship to such detention as may be necessary to the ends of justice.

XIV. When a vessel is ready to leave a port or anchorage, the master shall give notice thereof to the Consul, and shall hoist a



## [Port, Consular, Customs, and Harbour Regulations.]

Blue Peter at least 24 hours before the time appointed for her departure. The Consul may dispense with the observance of this regulation on security being given that claims presented within 24 hours will be paid.

XV. No British subject may establish or carry on an hotel, boarding or eating-house, house of entertainment, or shop for the sale of liquors within the Consular district without the sanction and licence of the Consul, and payment of such fees in respect of such licence, yearly or otherwise, as may be duly authorized. The Consul shall require every person so licensed to give security for the good conduct of all inmates and frequenters of his house, and also that he will not harbour any seaman who is a runaway or who cannot produce his discharge accompanied by a written sanction from the Consul to reside on shore.

Every person so licensed will be held accountable for the good conduct of all inmates and frequenters of his house, and in case of their misconduct may be sued upon the instrument of security so given.

XVI. Any British subject desiring to proceed up the country to a greater distance than 30 miles from any Treaty Port is required to procure a Consular passport, and any one found without such a passport beyond that distance will be liable to prosecution.

XVII. The term Consul in these Regulations shall be construed to include all and every officer in Her Majesty's Consular service, whether Consul-General, Consul, Vice-Consul or Consular Agent, or other person duly authorized to act in any of the aforesaid capacities within the dominions of the Emperor of China.

XVIII. British vessels are bound, as to mooring and pilotage, to act in accordance with the Harbour and Pilot regulations authorised in each port by Her Majesty's Minister for the time being, and any infraction of the same shall render the party offending liable to the penalties attached to these regulations.

XIX. No loading or discharging of cargo may be carried on except within the limits of the anchorage defined by the Consul and the Chinese authorities of each port.

XX. Any infringement of the preceding General Port Regulations or of the Special Regulation referred to in Regulations XVIII and XIX, shall subject the offender, for each offence, to imprisonment for any term not exceeding three months, with or without hard labour, and with or without a fine not exceeding \$200, or to a fine not exceeding \$200, without imprisonment, and with or without further fines for continuing offences not exceeding in any case \$25 for each day during which the offence continues after the original fine is incurred; such fine to be inflicted, levied, and enforced in accordance with the Order of Her Majesty in Council, dated the 9th day of March, 1865.

And in consideration of the urgent necessity for these Regulations, the Undersigned hereby further declares that they shall

have effect unless and until they shall be disapproved by Her Most Gracious Majesty, and notification of such disapproval shall be received and published by me or other of Her Majesty's ministers in China.

NOTE.—All fines levied by virtue of or under the General or Special Port Regulations, are to be applied as directed by the China and Japan Order in Council, 1865, in diminution of the public expenditure, unless otherwise specially ordered.

THOMAS FRANCIS WADE.

*Peking, 28th March, 1881.*

(No. 132.) *LAND REGULATIONS and Bye-Laws for the British Concession at Canton (Shamien). 25th September, 1871.\**

#### CONTENTS.

	Page.
1. Boundaries .. .. .	691
2. Roads, jetties, &c. Assessment on land and houses, rates, dues, and taxes. Consul to convene meeting of renters, &c. ..	691
3. Land-renters and others to appoint a Committee or Council. Authority to sue for taxes, &c... ..	692
4. Making of new bye-laws .. .. .	692
5. Audit of accounts .. .. .	693
6. Recovery of penalties under bye-laws .. .. .	693
7. Consul may at any time call meeting of ratepayers .. .. .	693
8. Election of Council. Persons entitled to vote .. .. .	694
9. Qualified voters may nominate five persons for Council .. .. .	694
10. Qualification for members of Council .. .. .	694
11. Vacancies .. .. .	694
12. Tenure of office .. .. .	695
13. Officers .. .. .	695
14. Funds .. .. .	695
15. Persons acting in execution of these Regulations not to be personally liable .. .. .	695
16. Transfers of land .. .. .	696
Consular veto .. .. .	1095
Municipal Police .. .. .	1105
BYE-LAWS .. .. .	696

#### REGULATIONS.

##### *Boundaries.*

1. That the limits wherein these Regulations are binding be the British Concession, Shamien.

*Roads, Jetties, &c. Assessment on Land and Houses, Rates, Dues, and Taxes. Consul to convene a Meeting of Renters and other persons entitled to vote.*

2. In order that due provision should be made for the better order and good government of the Settlement, and also proper

\* As revised and approved by Her Britannic Majesty's Minister, 4th December, 1899. New Regulations and Bye-laws, dated 23rd January, 1908, have since been issued.

## [Land Regulations. Canton.]

arrangements for the making of roads, building public jetties and offices, and keeping them in repair, and for cleansing, lighting, watering, and draining the Settlement generally, and establishing a watch or police force therein, paying the persons necessarily employed in any municipal office or capacity, or for raising money by way of loan for any of the purposes aforesaid, Her Britannic Majesty's Consul shall, as soon after the first day of January in each year, or when it may appear to him needful, or on the requisition of a certain number of the renters of land, or others entitled to vote on the terms hereinafter mentioned, convene a meeting of such persons to devise ways and means of raising the requisite funds for these purposes: and at such meeting it shall be competent to the said persons or a majority of them in public meeting duly assembled, to declare an assessment in the form of a rate to be made on the said land or buildings, and it shall also be competent for the said persons, or a majority of them as aforesaid, to impose other rates and taxes for the purposes aforesaid, in the form of dues on all goods landed in, shipped from, or passing through the British Concession.

*Land-Renters and others to appoint a Committee or Council. Authority to sue for Taxes, &c.*

3. And be it further ordered, that the said land-renters and others as aforesaid, in public meeting duly assembled, under and in accordance with the provisions of the preceding article, shall appoint, in the mode hereinafter provided, an executive Committee or Council, to consist of not more than five persons for the purpose of levying the rates, dues, and taxes hereinbefore mentioned, and applying the funds realised from the same for the purposes aforesaid, and for carrying out the Regulations now made; and such Committee, when appointed, shall have full power and authority to levy and apply such rates, dues and taxes for purposes aforesaid, and shall have power and authority to sue for all arrears of such rates, dues and taxes, and recover the same from all defaulters in the Court under whose jurisdiction such defaulter may be.

*Making of new Bye-Laws.*

4. When in pursuance of these Regulations the above-mentioned Committee or Council shall be duly elected, all the power, authority and control conferred by the Bye-laws now sanctioned and annexed to these Regulations, and all the rights and property, which by such Bye-laws are declared to belong to any Committee or Council as aforesaid, shall vest in and absolutely belong to such Committee or Council and to their successors in office, and such successors as are duly elected, and such Committee shall have power and authority from time to time to make other Bye-laws for the better enabling them to carry out the object of these Regulations, and to repeal, alter, or amend any such Bye-laws, provided such other Bye-laws be not repugnant to the provisions of these Regulations, and be duly con-

firmed and published ; and provided also that no Bye-law made by the Committee under the authority of these Regulations, except such as relate solely to their Council, or their officers or servants, shall come into operation until passed and approved by Her Britannic Majesty's Consul and Minister and the ratepayers in special meeting assembled, of which meeting and the object of it, ten days' notice shall be given.

*Audit of Accounts.*

5. And whereas it is also expedient that due provision should be made for the auditing of the accounts of the said Committee or Council, and for the obtaining the approval and sanction of them by the ratepayers in public meeting duly assembled, be it ordered that the said audit and the said sanction and approval shall be made at the annual public meeting convened by Her Britannic Majesty's Consul as hereinbefore mentioned.

*Recovery of Penalties under Bye-Laws.*

6. Be it also further ordered, that any penalty or forfeiture, or fees on licences, provided for in the Bye-laws framed under the authority of these Regulations, and imposed in pursuance of such Bye-laws, may be recovered by summary proceedings before the proper authority, and it shall be lawful for such authority upon conviction to adjudge the offender to pay the penalty or incur the forfeiture as well as the costs attending the conviction, as such authority may think fit. All fines and penalties levied under these Regulations, and the Bye-laws framed and to be framed under them, shall be carried to the credit of the Committee or Council in diminution of the general expenditure authorized by the provisions of these Regulations.

*Consul may at any time call Meeting of Ratepayers.*

7. Be it further ordered, that it shall be competent for Her Britannic Majesty's Consul, at any time when it may appear to him needful, or at the requisition of ten of the ratepayers, seven of whom must be resident within the British Concession, to call a public meeting, giving ten days' notice of the same, setting forth the business upon which it is convened for the consideration of any matter or thing connected with the Municipality. All resolutions passed by a majority at any such public meeting, on all such matters aforesaid, shall be valid and binding on the whole of the ratepayers, provided not less than two-thirds of the resident ratepayers shall concur in the resolution. At such meeting Her Britannic Majesty's Consul shall take the chair ; and in his absence then such ratepayer as the majority of voters present may nominate, who shall report to Her Britannic Majesty's Consul the resolutions passed at such meeting for his concurrence and approval, and unless such approval be officially given, such resolution shall not be valid and binding,

provided always that a term of ten days shall elapse between the date of the resolution and the signification of approval by Her Britannic Majesty's Consul. In all cases in which ratepayers in public meeting assembled, herein provided, decide upon any matter of a municipal nature not already enumerated, and affecting the general interest, any person considering himself prejudiced in property or interests by the resolution may, within the period of ten days aforesaid, represent his case to Her Britannic Majesty's Consul for his consideration. After the expiration of the term of ten days, the Consular approval, if signified, shall be binding.

*Election of Council. Persons entitled to vote.*

8. That members of the Municipal Council shall be elected by ballot at the annual meeting to be held in January, as set forth in Rule No. 2 ; and that at all meetings the following persons shall alone be entitled to vote, viz. : Land-renters, who shall have one vote for every whole Lot, or the equivalent thereof : Persons holding formal authority to act as proxies for absent land-renters ; Tenants of houses on which, within the previous twelve months, taxes or rates have been paid on an assessed rental of not less than \$600 per annum.

*Qualified Voters may nominate Five Persons for Council.*

9. That on or before the second day of January in each year it shall be competent for every person entitled to vote for the election of Council to send in writing, to Her Britannic Majesty's Consul, the names of five duly qualified persons whom he wishes should act for that year, attaching his signature to the memorandum, and stating the number of votes he is entitled to. The names of all the persons proposed will then be published or exhibited in the Consulate Office, and any one refusing to serve must notify such refusal to Her Britannic Majesty's Consul on or before the 10th day of January. On the day appointed for the election, should the members proposed exceed the required number, a ballot shall take place as set forth in the foregoing Regulation.

*Qualification for Members of Council.*

10. All land-renters owning at least one whole lot, or the equivalent thereof ; all tenants of houses on which, during the previous twelve months, taxes or rates have been paid on an assessed rental of not less than \$1,200 per annum, and the duly appointed representatives of firms carrying on business on the British Concession, Shamien, and qualified as aforesaid, shall be eligible to serve on the Municipal Council.

*Vacancies.*

11. In case of a vacancy or vacancies occurring in the Committee or Council during the municipal year, a meeting shall be convened

for the purpose of filling up such vacancy or vacancies, in terms of Rules 8 and 9.

*Tenure of Office.*

12. The Council shall enter upon their office as soon after the accounts of the retiring Committee shall have been audited and passed at the annual meeting in January, and at their first meeting the new Council shall elect a Chairman, Secretary, and Treasurer. In the temporary absence of the Chairman, the members present at any meeting of the Council shall elect their Chairman for such meeting.

*Officers.*

13. The Council may from time to time appoint such officers and servants as they think necessary for carrying out these Regulations, and fix the salaries, wages, and allowances of such officers and servants, and may pay the same out of the municipal funds, and make Bye-laws for the Government of such officers and servants, and may discontinue or remove any of them, from time to time, as they shall think fit.

*Funds.*

14. The Council shall administer the municipal funds for the public use and benefit at their discretion, in accordance with object and views expressed at the general meeting; provided they do not exceed the amount of the assessment voted at said meeting; and a statement shall be drawn up by them at the end of each year for which the Council has been elected, showing the nature and amount of the receipts and disbursements of the municipal fund for that year, and the said statement shall be published for general information at least ten days before the general meeting is convened.

*Persons acting in execution of these Regulations not to be personally liable.*

15. No matter or thing done, or contract entered into, by the Council, nor any matter or thing done by any member thereof, or person whomsoever, acting under the direction of the Council, shall, if the matter or thing were done, or the contract entered into *bonâ fide* for the purpose of executing these Regulations, subject them or any of them personally to any action, liability, claim, or demand whatsoever. And any expense properly, and with due authority, incurred by the Council, member thereof, or person acting as last aforesaid, shall be borne and repaid out of the rates levied under the authority of these Regulations. The Council shall be liable to be sued, through their Secretary, in Her Britannic Majesty's Consulate Court at Canton, by any person who may deem himself injured by any act of the Council or its officers, and should the plaintiff obtain damages in any such suit, said damages and the cost of such suit shall be summarily recoverable by Her Britannic Majesty's

Consul, and paid out of the funds levied under the authority of these local Regulations.

*Transfers of Land.*

16. All transfers of land in the British settlement at Shamien shall be made by the parties to the transfer, or by their representatives duly authorized for that purpose, in the presence of an officer of Her Britannic Majesty's Consulate, and shall be registered in the said Consulate within one month of such transfer, under a penalty not exceeding \$100. No transfer of land in the Settlement at Shamien to a subject or citizen of any other Power excepting Great Britain, shall be valid unless he shall previously undertake, in writing in his own name, and with the official consent of his national authority, to conform to the terms of the lease granted by Her Britannic Majesty, and to obey all Regulations made or which hereafter may be made or sanctioned by Her Britannic Majesty's Minister, for the peace, good order and government of the said Settlement.

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BYE-LAWS\*

*Annexed to the Land Regulations for the British Concession, Shamien.*

1. The entire control and management of the bridges, all public buildings, sewers and drains within the limits of these Regulations, and all sewers and drains in and under the roads, and all the works and materials thereunto belonging, whether made at the time of the passing of these Regulations, or at any time thereafter, and whether made at the cost of the Council or otherwise, shall vest in and belong to the Council.

2. No sewer or drain shall be made, or any building be erected over any sewer belonging to the Council, neither shall any branch drain be carried into any of the sewers or drains above vested in the Council, without the consent of the Council being first obtained in writing. And if after the passing of the Land Regulations any sewer or drain be made, or any building be erected, contrary to the provisions herein contained, the Council may demolish the same, and the expenses incurred thereby shall be paid by the person so offending, and shall be recoverable as damages.

3. All sewers and drains within the limits of these Regulations, whether public or private, shall be provided, by the Council or other persons to whom they severally belong, with proper traps or other coverings, or means of ventilation, so as to prevent stench.

4. The expense of maintaining and cleansing all sewers not hereinbefore provided for, shall be defrayed out of the rates and taxes, to be levied under Article 1 of the Land Regulations.

5. It shall not be lawful to erect any house in the Settlement, or to rebuild any house in the Settlement, without at the same time constructing a covered drain or drains of such size and materials, and at such level, and with such fall as to the Council shall appear necessary and sufficient for the proper and effectual drainage of the same and its appurtenances, in terms of Bye-laws No. 1 and 2; the drain or drains so to be constructed shall communicate with such sewers as the Council may direct. And whosoever erects or rebuilds any house or other building, or constructs any drains contrary to this Bye-law, shall be liable for every such offence to a penalty not exceeding \$250.

6. No person shall be allowed to erect a matshed on the Settlement, without the permission of the Municipal Council, and any person erecting such building shall be liable to a fine not exceeding \$100.

7. The Council, and none other, shall be surveyor of all highways within the limits of the aforesaid Regulations, and within those limits shall have all such powers and authorities as any surveyors of highways are invested with in England.

8. The management of the streets, bunding, and jetties, and the laying out and

\* See footnote on page 691.

repairing thereof, shall be vested in the Council; and all materials, implements, and other things provided for laying out and repairing said streets, bunding, and jetties, shall belong to the Council.

9. The Council may stop up any streets, and prevent all persons from passing along and using the same during the construction, alteration, repair, or demolition, of any sewer or drain in or under any street, but must allow access to houses.

10. Every person who wilfully displaces, takes up, or makes any alteration in the pavement, flags, or other materials of any street, bunding, and jetties, under the management of the Council, without their consent in writing, shall be liable to a penalty not exceeding \$25.

11. When any building materials or other things are laid, or any hole made in any of the roads, whether the same be done by order of the Council or not, the person or persons causing such hole to be made, shall, at his own expense, cause a sufficient light to be fixed in a proper place on or near the same, and continue such light every night from sun-setting to sun-rising while such materials or hole remain; and such person shall, at his own expense, cause such materials or other things and such hole to be sufficiently fenced and enclosed until such materials or other things are removed, or the hole filled up, or otherwise made secure. And every such person who fails so to light, fence, or enclose the same, shall for every such offence be liable to a penalty not exceeding \$25.

12. If any building, wall, or hole, or other place near any street, be, for want of sufficient repair, protection, or enclosure, dangerous to the passengers along such street, the owner shall repair the same, or in default the Council shall cause the necessary repairs to be made, and the expenses of the same shall be recoverable as damages from the owner. If the owner cannot be found, or any agent who will undertake to act for him, within the limits of these Regulations, the Council, after giving twenty-eight days' notice of their intention to do so, by posting a printed or written notice in a conspicuous place on such building, or on the land on which such building stood, or other place, may take such building or land and sell the same by public auction under Consular injunction, and from and out of the proceeds of such sale reimburse themselves for the outlay incurred, and shall restore any overplus arising from such sale to the owner of such property on demand; but should the proceeds of such sale not cover the expenses incurred, the Council shall have the same remedies for compelling the payment of the balance as are hereinbefore given to them for compelling the payment of the whole of the said expenses.

13. The Council may give notice to the owner or occupant of any house or other building to remove or alter any porch, projecting window, step, or any other obstruction or projection, erected or placed against, or in front of, any house or other building within the limits of these Regulations, and which is an obstruction to the safe and convenient passage along any street; and such owner and occupant shall, within fourteen days after the service of such notice upon him remove such obstruction or alter the same in such manner as shall have been directed by the Council, and in default thereof shall be liable to a penalty not exceeding \$10; and the Council in such case may remove such obstruction or projection, and the expense of such removal shall be paid by the owner or occupant so making default, and shall be recoverable as damages.

14. No person shall obstruct the public roads or footpaths with any kind of goods or building materials under a penalty of \$10 for every twenty-four hours of continued obstruction; and after the first twenty-four hours that notice of removal shall have been given to the owner of the same, or the person using, employing, or having control over the same, or in the absence of any such person, or inability on the part of the agents of the Council to find him, the Council shall remove and retain the same until the expense of such removal shall have been repaid, or may recover the expense of such removal as damages or may sell the same to recover such expenses, holding the balance, if any, after payment of penalties, expenses, and costs, to the use of the person entitled to the same.

15. In the case of any stagnant pool, ditch, or pond of water, pig-stye, cow-house, stable, privy, or any other building, construction, or thing, being proved a nuisance to the occupiers of adjacent lots, or to the public, the Secretary of the Council shall forthwith give notice to the owner, or reputed owner, or agent, that such nuisance must be removed; and if the same be not removed within a time considered reasonable by the Council, the Council may abate such nuisance at the expense of the owner of such property, the same being recoverable as damages.

16. That no spirit shop, or house of entertainment of any kind, shall be opened within the limits of the Settlement, without a licence first obtained from the Council, countersigned by Her Britannic Majesty's Consul (charges for such licence to be



## [Land Regulations. Canton.]

hereafter arranged) under a penalty not exceeding \$100, recoverable from the person committing such offence.

17. All persons causelessly creating a noise or disturbance, and all persons guilty of furious and improper riding or driving, or leading or riding horses upon the chunam roads, or obstructing the fairway to or from the landing steps or who shall commit any act which may legitimately come within the meaning of the term "nuisance," shall be liable to a penalty not exceeding \$10.

18. No cattle or ponies shall be allowed to go loose at any time or shall be tethered in the middle or front roads of the Settlement (the canal road only being available for tethering cattle and ponies between the hours of 5 A.M. and 5 P.M. under a penalty not exceeding \$5.

19. All Chinese passing through or in the Settlement after 6 P.M. in the winter, and 8 P.M. in summer, until daylight, must be provided with lighted lanterns, under a penalty of being handed to Her Britannic Majesty's Consul for transmission to the native Authorities.

20. It shall be lawful for any officer or agent of the Council, and all persons called by him to his assistance, to seize and detain any person who shall have committed any offence against the provisions of these Bye-laws, and if he be a Chinese subject, or a foreigner belonging to some nationality not represented by a Consul, to hand him to Her Britannic Majesty's Consul to be disposed of according to law. If the offender be a citizen or subject of some nationality duly represented, he shall be handed over to his own Consul for adjudication.

21. Nothing in these Bye-laws contained shall be construed to render lawful any commission or omission on the part of any person which is, or would be, deemed to be a nuisance at common law, from prosecution or action in respect thereof, according to the forms or proceedings at common law, nor from the consequences upon being convicted thereof.

22. Every penalty or forfeiture imposed by these Bye-laws, made in pursuance thereof, the recovery of which is not otherwise provided for, may be recovered by summary proceedings before Her Britannic Majesty's Consul, or the Consul of the nation to which the offender may belong, and upon conviction the offender shall pay the penalty or forfeiture incurred, as well as such costs attending the conviction as such Consul shall think fit.

23. No dogs are to be allowed on Shamien without collars or unattended. The police shall be instructed to capture all stray dogs, which, if unclaimed within a reasonable time, shall be destroyed.

In the event of the same dog being repeatedly seized by the police and remonstrance with the owner proving ineffectual, the Council shall give notice in writing to the owner that on the next occasion of its seizure they will order its destruction. And if after this notice the dog shall again fall into the hands of the police, it shall be lawful for the Council to order it to be destroyed.

24. The Council may, on giving a week's notice in writing to the occupant of any house, building, or lot, in the British Concession, Shamien, enter the premises, either by themselves or by their duly appointed Inspector, for the purpose of inspecting the sanitary condition of such premises. The Council may abate all nuisances discovered upon inspection, as provided for in Bye-law 15.

Provided always that nothing in this Bye-law shall authorize any entry into any building other than the rooms (not forming a portion of the main buildings) in occupation of Chinese employes, cookhouses, latrines, and other out-houses (not including godowns) without permission of the occupant.

25. No person or persons shall be allowed to print any Chinese newspaper, of what kind soever, within the limits of these Regulations, and person or persons printing such newspaper shall be liable to a penalty not exceeding \$100 for each issue of the same.

26. No inflammable or explosive material, goods, or merchandise, likely to endanger loss or cause injury to individuals or property, such as ammunition (excepting for shooting game or for use with rifle and revolver for personal protection), dynamite, &c., gun cotton, &c., nitro glycerine, &c., gunpowder, saltpetre, sulphur, large quantity of spirits in bulk, petroleum, naphtha and other explosive materials, gases or liquids, shall be allowed to be landed on the British Concession of Shamien for the purpose of storage, or be placed on the premises of any individual.

Every violation of this rule will subject the offender to a fine not exceeding \$300, and to seizure of the unlawful goods, at the expense of the owner, to be dealt with summarily as the Council may direct. All penalties and forfeitures imposed under this Bye-law are to be recovered in the manner prescribed in Bye-law 22.

27. On and after the 1st February, 1894, a tax of \$5 per annum will be levied on every dog over age of three months, kept on the British Settlement at Shamien. In order to show that a dog has been duly registered, and the tax paid, suitable tickets will be provided by the Municipal Council to be affixed to the collar.

Any dog whose owner has failed to pay the tax will be liable to be destroyed, if the tax still remains unpaid for seven days after the owner has received notice of his omission to do so from the municipal police.

28. All bicycles must be numbered and registered, and a yearly tax of \$10 shall be levied by the Council on each bicycle registered. Bicycles which have not been registered with the French or English Municipalities will be stopped and the owners fined not more than \$25.

It is forbidden to ride bicycles except on such paths and between such hours as shall hereafter be notified by the Municipal Council. Any infringement of such notification will render the offender liable to a fine of not more than \$25 for each infringement.

All bicycles must be provided with bells, horns, or other signalling appliances, and after dusk lighted lanterns must be carried; the omission to conform to this rule will render the offender liable to a fine not exceeding \$25 for each offence.

29. The importation of dogs into the British Concession without special permission from the Council is strictly prohibited, under a penalty not exceeding \$100 and not less than \$25.

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(No. 133.) *ORDER IN COUNCIL extending the Jurisdiction of the Supreme Court of Hong Kong in respect of matters arising in the neighbourhood of the Colony of Hong Kong. Balmoral, 23rd October, 1877\*.*

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At the Court at Balmoral, the 23rd day of October, 1877.

PRESENT: THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.

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WHEREAS by an Act of Parliament passed in the 7th year of Her Majesty's reign [cap. 80],† intituled "An Act for the better Government of Her Majesty's subjects resorting to China," it is (amongst other things) enacted that it shall be lawful for Her Majesty, by any Order or Orders made with the advice of Her Majesty's Privy Council, to ordain, for the government of Her Majesty's subjects being within the dominions of the Emperor of China, or being within any ship or vessel at a distance of not more than 100 miles from the coast of China, any law or ordinance which to Her Majesty may seem meet, as fully and effectually as any such law or ordinance could be made by Her Majesty in Council for the government of Her Majesty's subjects being within the Island of Hong Kong.

And whereas Her Majesty was pleased by and with the advice of Her Privy Council, by Order in Council of the 9th day of March, 1865, to ordain (amongst other things) that all Her Majesty's jurisdiction exercisable in China or in Japan for the judicial hearing and determination of such matters as are by the 4th Section of the said Order specified, should be exercised according to the provisions

\* "London Gazette," 26th October, 1877.

† "Hertslet's Commercial Treaties." Vol. 6. Page 251.

of the said Order, and not otherwise, and that save as expressly provided by the said Order, all jurisdiction, power, and authority of the Supreme Court of Hong Kong exercisable in relation to British subjects resident in or resorting to China or Japan, should absolutely cease.

And whereas by the Foreign Jurisdiction Amendment Act, 1866,\* it was enacted that it should be lawful for Her Majesty in Council, by Order in Council under the Foreign Jurisdiction Acts, to confer upon any Court in Her Majesty's possessions out of the United Kingdom any jurisdiction which Her Majesty in Council might lawfully by any such Order confer on any Court in any country or place out of Her Majesty's dominions within which Her Majesty has power or jurisdiction.

And whereas Her Majesty was pleased by and with the advice of Her Privy Council, by another Order in Council of the 28th day of March, 1868,† to ordain (amongst other things) that in addition to the powers then vested in the Supreme Court of Hong Kong, the said Supreme Court might have jurisdiction over and take cognizance of all crimes and offences committed by British subjects at any place on land being within six miles of any part of the Colony of Hong Kong, and not being on the mainland of China, and of and over all disputes and differences between British subjects being in any such place within such limit as aforesaid.

And whereas it has seemed to Her Majesty, by and with the advice of Her Privy Council, to be expedient to revoke the said last-mentioned Order in Council, and to extend the jurisdiction of the Supreme Court of Hong Kong in respect to matters arising in the neighbourhood of the Colony of Hong Kong.

Now, therefore, Her Majesty, by virtue of the powers in this behalf by the said recited Act, or otherwise vested in Her, is pleased by and with the advice of Her Privy Council, to order and it is hereby ordered as follows :—

1. In addition to the powers now vested in the said Supreme Court of Hong Kong, the said Supreme Court may have jurisdiction over and take cognizance of all crimes and offences committed by British subjects at any place on land, being within 10 miles of any part of the Colony of Hong Kong, and of and over all disputes and differences between British subjects being in any such place within such limit as aforesaid, and the said Court shall and may deal with, try, hear, and determine all such cases as fully and effectually as if such crimes or offences had been committed or such disputes or differences had arisen by or between British subjects within the said Colony of Hong Kong.

2. The said Order in Council of the 28th day of March, 1868, is hereby revoked, except for the purpose of completing any pro-

\* 29 and 30 Vict., cap. 87. "Hertslet's Commercial Treaties." Vol. 12. Page 1099.

† "Hertslet's Commercial Treaties." Vol. 12. Page 1119.



## [Practitioners in Provincial Courts.]

ceedings criminal or civil which may have been commenced thereunder before this Order is published in the said Colony of Hong Kong, and any proceedings so commenced may be completed, and any sentences and judgments given therein may be executed as fully and effectually as if this Order had not been made.

3. The jurisdiction hereby conferred upon the Supreme Court of Hong Kong shall be in addition to and concurrent with any power or jurisdiction now possessed by the Supreme Court for China or Japan, or any Provincial Court under the said Order in Council of the 9th of March, 1865, to deal with, try, hear, and determine such cases as are herein mentioned, and nothing in this Order contained shall affect the power of the said Supreme Court for China or Japan or of any Provincial Court under the said last-mentioned Order in Council to deal with, hear, try, and determine the said cases.

And the Right Honourable the Earl of Carnarvon, one of Her Majesty's Principal Secretaries of State, is to give the necessary directions herein accordingly.

C. L. PEEL.

(No. 134.) *RULES of Her Britannic Majesty's Supreme and other Courts in China, framed under "The China and Japan Order in Council, 1865,"\* by the Chief Justice of Her Britannic Majesty's Supreme Court for China and Japan, and approved by one of Her Majesty's Principal Secretaries of State.—28th March, 1881.*

## PRACTITIONERS IN PROVINCIAL COURTS.

*Practitioners in Supreme Court entitled to practise in Provincial Courts.*

1. Every person whose name is now on the roll of practitioners of the Supreme Court, or who shall hereafter be admitted to practise in that Court, shall be entitled to practise in Her Britannic Majesty's Provincial Courts in China.

*Persons not Practitioners in Supreme Court may be admitted by Chief Justice to practise in Provincial Courts.*

2. If any person not now or not hereafter admitted to practise in the Supreme Court shall be desirous of practising in any of Her Britannic Majesty's Provincial Courts in China, the Chief Justice of the Supreme Court may admit such person to practise in any of such Courts, on the Chief Justice being satisfied that such person is a fit and proper person to practise therein.

GEORGE FRENCH.

*Chief Justice.*

Approved :

GRANVILLE.

\* Repealed. See Order in Council of 24th October, 1904 (No. 156), Article 169.

## [Foreign Jurisdiction Act.]

(No. 135.) *ACT of Parliament to consolidate the Foreign Jurisdiction Acts.*

[53 and 54 Vict., cap. 37.]

[4th August, 1890.]

WHEREAS by Treaty, capitulation, grant, usage, sufferance, and other lawful means, Her Majesty the Queen has jurisdiction within divers foreign countries, and it is expedient to consolidate the Acts relating to the exercise of Her Majesty's jurisdiction out of Her dominions :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

*Exercise of Jurisdiction in Foreign Country.*

1. It is and shall be lawful for Her Majesty the Queen to hold, exercise, and enjoy any jurisdiction which Her Majesty now has or may at any time hereafter have within a foreign country in the same and as ample a manner as if Her Majesty had acquired that jurisdiction by the cession or conquest of territory.

*Exercise of Jurisdiction over British Subjects in Countries without Regular Governments.*

2. Where a foreign country is not subject to any Government from whom Her Majesty the Queen might obtain jurisdiction in the manner recited by this Act, Her Majesty shall by virtue of this Act have jurisdiction over Her Majesty's subjects for the time being resident in or resorting to that country, and that jurisdiction shall be jurisdiction of Her Majesty in a foreign country within the meaning of the other provisions of this Act.

*Validity of Acts done in Pursuance of Jurisdiction.*

3. Every act and thing done in pursuance of any jurisdiction of Her Majesty in a foreign country shall be as valid as if it had been done according to the local law then in force in that country.

*Evidence as to Existence or extent of Jurisdiction in Foreign Country.*

4.—(1) If in any proceeding, civil or criminal, in a court in Her Majesty's dominions or held under the authority of Her Majesty any question arises as to the existence or extent of any jurisdiction of Her Majesty in a foreign country, a Secretary of State shall, on the application of the court, send to the court within a reasonable time his decision on the question, and his decision shall for the purposes of the proceeding be final.

(2) The court shall send to the Secretary of State, in a document under the seal of the court, or signed by a judge of the court, questions framed so as properly to raise the question, and sufficient answers

to those questions shall be returned by the Secretary of State to the court, and those answers shall, on production thereof, be conclusive evidence of the matters therein contained.

*Power to Extend Enactments in First Schedule.*

5.—(1) It shall be lawful for Her Majesty the Queen in Council, if she thinks fit, by Order to direct that all or any of the enactments described in the First Schedule to this Act, or any enactments for the time being in force amending or substituted for the same, shall extend, with or without any exceptions, adaptations, or modifications in the Order mentioned to any foreign country in which for the time being Her Majesty has jurisdiction.

(2) Thereupon those enactments shall, to the extent of that jurisdiction, operate as if that country were a British possession, and as if Her Majesty in Council were the Legislature of that possession.

*Power to send Persons charged with Offences for Trial to a British Possession.*

6.—(1) Where a person is charged with an offence cognizable by a British court in a foreign country, any person having authority derived from Her Majesty in that behalf may, by warrant, cause the person so charged to be sent for trial to any British possession for the time being appointed in that behalf by Order in Council, and upon the arrival of the person so charged in that British possession, such criminal court of that possession as is authorized in that behalf by Order in Council, or if no court is so authorized, the supreme criminal court of that possession, may cause him to be kept in safe and proper custody, and, so soon as conveniently may be, may inquire of, try, and determine the offence, and on conviction punish the offender according to the laws in force in that behalf within that possession in the same manner as if the offence had been committed within the jurisdiction of that criminal court.

Provided that—

(a) A person so charged may, before being so sent for trial, tender for examination to a British court in the foreign country where the offence is alleged to have been committed any competent witness whose evidence he deems material for his defence, and whom he alleges himself unable to produce at the trial in the British possession :

(b) In such case the British court in the foreign country shall proceed in the examination and cross-examination of the witness as though he had been tendered at a trial before that court, and shall cause the evidence so taken to be reduced into writing, and shall transmit to the criminal court of the British possession by which the person charged is to be tried a copy of the evidence,

certified as correct under the seal of the court before which the evidence was taken, or the signature of a judge of that court :

(c) Thereupon the court of the British possession before which the trial takes place shall allow so much of the evidence so taken as would have been admissible according to the law and practice of that court, had the witness been produced and examined at the trial, to be read and received as legal evidence at the trial :

(d) The court of the British possession shall admit and give effect to the law by which the alleged offender would have been tried by the British court in the foreign country in which his offence is alleged to have been committed, so far as that law relates to the criminality of the act alleged to have been committed, or the nature or degree of the offence, or the punishment thereof, if the law differs in those respects from the law in force in that British possession.

(2) Nothing in this section shall alter or repeal any law, statute, or usage by virtue of which any offence committed out of Her Majesty's dominions may, irrespectively of this Act, be inquired of, tried, determined, and punished within Her Majesty's dominions, or any part thereof.

*Provision as to Place of Punishment of Persons Convicted.*

7. Where an offender convicted before a British court in a foreign country has been sentenced by that court to suffer death, penal servitude, imprisonment, or any other punishment, the sentence shall be carried into effect in such place as may be directed by Order in Council or be determined in accordance with directions given by Order in Council, and the conviction and sentence shall be of the same force in the place in which the sentence is so carried into effect as if the conviction had been made and the sentence passed by a competent court in that place.

*Validity of Acts done under Order in Council.*

8. Where, by Order in Council made in pursuance of this Act, any British court in a foreign country is authorized to order the removal or deportation of any person from that country, that removal or deportation, and any detention for the purposes thereof, according to the provisions of the Order in Council, shall be as lawful as if the order of the court were to have effect wholly within that country.

*Power to Assign Jurisdiction to British Courts in cases within Foreign Jurisdiction Act.*

9. It shall be lawful for Her Majesty the Queen in Council, by Order, to assign to or confer on any court in any British possession, or held under the authority of Her Majesty, any jurisdiction, civil or criminal, original or appellate, which may lawfully by Order in Council be assigned to or conferred on any British

## [Foreign Jurisdiction Act.]

court in any foreign country, and to make such provisions and regulations as to Her Majesty in Council seem meet respecting the exercise of the jurisdiction so assigned or conferred, and respecting the enforcement and execution of the judgments, decrees, orders, and sentences of any such court, and respecting appeals therefrom.

*Power to amend Orders in Council.*

10. It shall be lawful for Her Majesty the Queen in Council to revoke or vary any Order in Council made in pursuance of this Act.

*Laying before Parliament, and effect of Orders in Council.*

11. Every Order in Council made in pursuance of this Act shall be laid before both Houses of Parliament forthwith after it is made, if Parliament be then in session, and if not, forthwith after the commencement of the then next session of Parliament, and shall have effect as if it were enacted in this Act.

*In what cases Orders in Council void for Repugnancy.*

12.—(1) If any Order in Council made in pursuance of this Act as respects any foreign country is in any respect repugnant to the provisions of any Act of Parliament extending to Her Majesty's subjects in that country, or repugnant to any order or regulation made under the authority of any such Act of Parliament, or having in that country the force and effect of any such Act, it shall be read subject to that Act, order, or regulation, and shall, to the extent of such repugnancy, but not otherwise, be void.

(2) An Order in Council made in pursuance of this Act shall not be, or be deemed to have been, void on the ground of repugnancy to the law of England unless it is repugnant to the provisions of some such Act of Parliament, order, or regulation as aforesaid.

*Provisions for Protection of Persons Acting under Foreign Jurisdiction Acts.*

13.—(1) An action, suit, prosecution, or proceeding against any person for any act done in pursuance or execution or intended execution of this Act, or of any enactment repealed by this Act, or of any Order in Council made under this Act, or of any such jurisdiction of Her Majesty as is mentioned in this Act, or in respect of any alleged neglect or default in the execution of this Act, or of any such enactment, Order in Council, or jurisdiction as aforesaid, shall not lie or be instituted—

(a) In any court within Her Majesty's dominions, unless it is commenced within six months next after the act, neglect, or default complained of, or in case of a continuance of injury or damage within six months next after the ceasing thereof, or where the cause of action arose out of Her Majesty's dominions within six months after the parties to the action, suit, prosecution, or proceeding



## [Foreign Jurisdiction Act.]

have been within the jurisdiction of the court in which the same is instituted ; nor

(b) In any of Her Majesty's courts without Her Majesty's dominions, unless the cause of action arose within the jurisdiction of that court, and the action is commenced within six months next after the act, neglect, or default complained of, or, in case of a continuance of injury or damage, within six months next after the ceasing thereof.

(2) In any such action, suit, or proceeding, tender of amends before the same was commenced may be pleaded in lieu of or in addition to any other plea. If the action, suit, or proceeding was commenced after such tender, or is proceeded with after payment into court of any money in satisfaction of the plaintiff's claim, and the plaintiff does not recover more than the sum tendered or paid, he shall not recover any costs incurred after such tender or payment, and the defendant shall be entitled to costs, to be taxed as between solicitor and client, as from the time of such tender or payment ; but this provision shall not affect costs on any injunction in the action, suit, or proceeding.

*Jurisdiction over Ships in certain Eastern seas.*

14. It shall be lawful for Her Majesty the Queen in Council to make any law that may seem meet for the government of Her Majesty's subjects being in any vessel at a distance of not more than 100 miles from the coast of China or of Japan, as fully and effectually as any such law might be made by Her Majesty in Council for the government of Her Majesty's subjects being in China or in Japan.

*Provision as to Subjects of Indian Princes.*

15. Where any Order in Council made in pursuance of this Act extends to persons enjoying Her Majesty's protection, that expression shall include all subjects of the several Princes and States in India.

*Definitions.*

16. In this Act,—

The expression "foreign country" means any country or place out of Her Majesty's dominions :

The expression "British court in a foreign country" means any British Court having jurisdiction out of Her Majesty's dominions in pursuance of an Order in Council whether made under any Act or otherwise :

The expression "jurisdiction" includes power.

*Power to repeal or vary Acts in Second Schedule.*

17. The Acts mentioned in the Second Schedule to this Act may be revoked or varied by Her Majesty by Order in Council.

*Repeal.*

18. The Acts mentioned in the Third Schedule to this Act are hereby repealed to the extent in the third column of that schedule mentioned: Provided that,—

(1) Any Order in Council, commission, or instructions made or issued in pursuance of any enactment repealed by this Act, shall, if in force at the passing of this Act, continue in force, until altered or revoked by Her Majesty as if made in pursuance of this Act; and shall, for the purposes of this Act, be deemed to have been made or issued under and in pursuance of this Act; and

(2) Any enactment, Order in Council, or document referring to any enactment repealed by this Act shall be construed to refer to the corresponding enactment of this Act.

*Short Title.*

19.—(1) This Act may be cited as the Foreign Jurisdiction Act, 1890.

(2) The Acts whereof the short titles are given in the First Schedule to this Act may be cited by the respective short titles given in that schedule.

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SCHEDULES.

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## FIRST SCHEDULE.

*Acts referred to in Sections 5, 19.*

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## SECOND SCHEDULE.

*Acts referred to in Section 17.*

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## THIRD SCHEDULE.

*Enactments repealed by Section 18.*

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August 7, 1894.]

GREAT BRITAIN.

[No. 136.]

[Consular Courts. Vice-Admiralty Jurisdiction.]

(No. 136.) *ORDER IN COUNCIL respecting Vice-Admiralty Jurisdiction in China, &c. Osborne, 7th August, 1894.\**

At the Court at Osborne House, Isle of Wight, the 7th day of August, 1894.

PRESENT: THE QUEEN'S MOST EXCELLENT MAJESTY.

His Royal Highness Prince Christian.

Lord President.

Lord Chamberlain.

Lord Steward.

Sir Henry Ponsonby.

Earl Spencer.

Sir John Cowell.

WHEREAS by Treaty, grant, usage, sufferance, and other lawful means, Her Majesty the Queen has jurisdiction in the countries and places named in the schedule to this Order;

And whereas by "The Colonial Courts of Admiralty Act, 1890," it is enacted that Her Majesty in Council may from time to time make Orders for the purposes authorized by that Act;

And whereas by the said Act Her Majesty in Council may by Order direct that that Act shall, subject to the conditions, exceptions, and qualifications (if any) contained in the Order, apply to any Court established by Her Majesty for the exercise of jurisdiction in any place out of Her Majesty's dominions which is named in the Order, as if that Court were a Colonial Court of Admiralty, and to provide for carrying into effect such application.

Now, therefore, Her Majesty, in exercise of the powers in this behalf by "The Foreign Jurisdiction Act, 1890 (No. 135)," and the said recited Act in Her Majesty vested, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1. The following enactments of "The Colonial Courts of Admiralty Act, 1890,"† that is to say, Section 2, Sub-sections (2) to (4), Section 5, Section 6, and Section 16, Sub-section (3), shall apply to every Court which has been established by Her Majesty under any Order in Council relating respectively to the countries and places named in the schedule to this Order, and to which Vice-Admiralty jurisdiction has been assigned by Order in Council, as if such Court were in the said sections mentioned in lieu of a Colonial Court of Admiralty, and as if such countries and places respectively were referred to in the said sections in lieu of a British possession.

2. For the purposes of this Order the expressions "judgment" and "appeal" shall, in the enactments of the recited Act hereby

\* "London Gazette," 10th August, 1894. Laid before both Houses of Parliament in pursuance of the Foreign Jurisdiction Act, 1890 (Section 11, see page 705), 16th August, 1894. See Orders in Council of 24th July, 1901 (No. 146), Art. 64 (2); 24th October, 1904 (No. 156), Art. 100. † 53 and 54 Vict. cap. 27.

## [Land Regulations. Chinkiang.]

applied, have the same respective meanings as are assigned thereto in Section 15 of that Act.

3. This Order may be cited as "The Consular Courts (Admiralty) Order in Council, 1894."

And the Right Honourable the Earl of Kimberley, one of Her Majesty's Principal Secretaries of State, is to give the necessary directions herein accordingly.

And whereas the immediate operation of this Order is urgent, this Order shall come into operation forthwith.

C. L. PEEL.

## SCHEDULE.

China.	Persian Coast.
Corea.	Siam.
Japan.	Zanzibar.
Ottoman Empire.	

And places within the limits of any local jurisdiction constituted under "The Africa Order in Council, 1889."

(No. 137.) *LAND REGULATIONS and Bye-laws of the British Concession, Chinkiang. 11th September, 1894.*

UNDER and in pursuance of the provisions of "The China and Japan Order in Council, 1865,"\* and of "The China and Japan Order in Council, 1881,"\* Her Majesty the Queen has been graciously pleased to approve the Land Regulations and Bye-laws of the British Concession, Chinkiang, 1872, as hereby amended, of which a copy is annexed hereto.

KIMBERLEY.

*Foreign Office, London, September 11, 1894.*

## CONTENTS.

	Page.
1. Boundaries .. .. .	710
2. Powers vested in the electors .. .. .	710
2A. Bund frontage licences .. .. .	1086
3. Consul to convene annual meeting of electors. Business of meeting..	711
4. Qualification of electors. Voting. List of voters .. .. .	712
5. Election of Council. Qualification of members..	712
6. Tenure of office. Authority .. .. .	713
7. Chairman, treasurer, secretary, &c. Quorum .. .. .	713
8. Vacancies in Council .. .. .	713
9. Assessments .. .. .	714
10. Power to levy rates and taxes. Distraints .. .. .	714
11. Officers .. .. .	714
12. Funds .. .. .	715
13. Persons acting in execution of these Regulations not to be personally liable .. .. .	715
14. Special Meetings .. .. .	715
15. Bye-laws .. .. .	716

\* Repealed. See Order in Council of 24th October, 1904 (No. 156), Article 169.

## [Land Regulations. Chinkiang.]

## CONTENTS—continued.

	Page
16. Roads and jetties. Foreshore of river Yang-tsze .. .. .	716
17. Power to acquire lands for roads, cemeteries, &c. .. .. .	716
18. Council may sue and be sued .. .. .	716
19. Buildings .. .. .	716
20. Plans to be submitted .. .. .	717
21. Control and management of sewers and drains .. .. .	717
22. No sewer or drain to be made, or building erected over any public sewer, without the consent of Council .. .. .	717
23. Council shall be surveyor of highways .. .. .	717
24. Management of streets, and repairs thereof, to vest in Council; also bunding wharves and jetties .. .. .	718
25. Council may stop up any street and prevent all persons from passing .	718
26. Dangerous places to be repaired or inclosed .. .. .	718
27. Transient offenders .. .. .	718
28. Penalties may be summarily recovered .. .. .	718
Consular veto .. .. .	1095
Municipal Police .. .. .	1105
BYE-LAWS .. .. .	719

*Land Regulations of the British Concession, Chinkiang, 1872, as amended in 1894.*

*Boundaries.*

1. The limits within which these Regulations and Bye-laws are binding are those of the British Concession at Chinkiang.

*Powers vested in the Electors.*

2. For the purpose of carrying out these Regulations, the following powers shall be vested in the electors (as hereinafter defined) in public meeting assembled, under the provisions of Articles 3 and 14, subject to such approval as is hereinafter more particularly set forth :—

All matters connected with the better order and government of the Concession, and the making of Bye-laws to insure same ;

Proper arrangements for the making and keeping in repair of roads, jetties, bridges, drains, and other works of similar nature ;

The acquirement of land, offices, or buildings for municipal purposes, whether by rent, purchase, or otherwise ;

The cleansing, lighting, watering, and draining the Concession ;

The establishment of a police or other protective force ;

The provision of the necessary ways and means for carrying out the above objects by rates, taxes, dues, licences, or other similar measures ;

And it shall be competent to the electors present at any such meeting to levy such rates on the land and buildings within the limits of the Concession as may appear to the majority of those present necessary or advisable ; or to impose such further fees in the form of municipal dues on all goods landed or otherwise conveyed within the limits of such Concession not exceeding one-tenth of 1 per cent. of the ordinary value of such goods ; or, in

the form of licence fees, not exceeding the several amounts set forth in the Bye-laws attached to these Regulations, or which may hereafter be passed in accordance therewith, as such majority shall see fit.

*Her Britannic Majesty's Consul to convene Annual Meeting of Electors.  
Business of Meeting.*

3. Her Britannic Majesty's Consul, or the officer for the time being in charge of Her Majesty's Consulate, shall, between the 8th and the 15th January in each year, issue a Notice convening a public meeting of the electors (as hereinafter defined) of the said Concession, to be held not earlier than seven or later than ten days after the date of such Notice, for the purpose of—

- (1) Appointing a Municipal Council for the ensuing year ;
- (2) Passing the accounts and receiving the Report of the Municipal Council for the previous year ;
- (3) Providing funds necessary for municipal uses, and directing the application of same ;
- (4) Transacting any general business affecting the interests of the municipality. Provided, however, that no motion other than those specified in the preceding paragraphs shall be brought forward unless two clear days' notice at least has been given to the officer in charge of Her Majesty's Consulate of the intention to do so, and has by him been publicly notified ;

And all Resolutions passed by a majority at any such annual meeting shall, subject to the approval of the officer in charge of Her Britannic Majesty's Consulate, be valid and binding on the whole of the rate and tax-payers. At such meeting the officer in charge of Her Britannic Majesty's Consulate shall take the chair, or, in his absence, such elector as the majority of those present may nominate ; and the said Chairman, in case of the absence of the officer in charge of Her Britannic Majesty's Consulate, shall report to him, as soon as practicable, the Resolutions passed at such meeting for his sanction and approval, and such Resolutions, when approved, to be at once published and publicly suspended outside the Consulate and Municipal Offices for the full term of fourteen days. Within a term of fourteen days from the meeting (or from the receipt of such report, in case of the absence of such officer) it shall be competent for any rate-payer considering himself prejudiced in property or interests to protest to the officer in charge of Her Britannic Majesty's Consulate (who shall allow or disallow the protest at his discretion) against any Resolution passed at such meeting ; but after the expiry of the said term the resolution so passed shall be valid and binding, unless altered or amended at a special meeting summoned as hereinafter provided. In case of the refusal of the officer in charge of Her Majesty's Consulate to sanction the whole or any portion of the Resolutions passed at such meeting, it shall be competent

for the Municipal Council, on behalf of the electors, to refer the matter to Her Majesty's Minister, whose decision shall be final and conclusive.

*Qualification of Electors. Voting. List of Voters.*

4. Electors in these Regulations shall be taken to mean lessees of land within the Concession registered at the British Consulate, or occupiers of buildings within the same limits assessed for municipal taxation at an annual value of not less than 300 taels of Chinkiang sycee; and on which all municipal taxes declared due have been paid seven days at least before the time of the meeting;

Or the recognized agents or legal representatives of such lessees or occupiers;

Or holders of written proxies from such lessees or occupiers (or their recognized agents or legal representatives) as may at the time of the meeting be actually absent from the Consular district of Chinkiang.

Provided, however, that no elector shall have more than one vote in respect of any number of buildings occupied by him; nor shall any firm or copartnery be entitled to more than one vote in respect of buildings occupied in their joint names. But in the event of any individual appearing as a qualified elector in respect to land leased and buildings occupied in his name, or in the name of a copartnery of which he shall be a member, he shall be entitled to one vote on account of each undivided lot of land, and one vote on account of such buildings, and no more. But nothing in these Regulations shall be held to prevent any person from voting by proxy on behalf of any number of lessees of land or occupiers of buildings in the manner above provided.

Seven days previous to the annual meeting a list of the registered lessees of land within the Concession shall be communicated by Her Majesty's Consul to the Municipal Council. The said Council shall thereupon cause a list to be made of all persons entitled to vote and of the votes in detail to which each may be entitled, which list shall be exhibited in Her Majesty's Consulate at least five days before the meeting. Corrections of the list may be made up to forty-eight hours of the time of holding the meeting, on proof of error or omission being given to the satisfaction of Her Majesty's Consul. Votes shall only be allowed in accordance with the list so corrected. Proxies shall be lodged with Her Majesty's Consul at least twenty-four hours before any annual or special meeting.

*Election of Council. Qualification for Members.*

5. The Municipal Council shall consist of not more than five nor less than three persons, who shall be chosen in the manner hereinafter provided from those electors qualified to vote as the actual lessees of land or occupiers of buildings, or as the duly appointed representative of any firm or company carrying on business in

Chinkiang and qualified as aforesaid. On or before the 8th day of January in each year the Municipal Council shall deposit a notice with the officer in charge of Her Britannic Majesty's Consulate, containing the names of such electors as are qualified to serve as members of the Municipal Council for the ensuing year, and who have declared to them their willingness to accept such office, accompanied by a certificate of such willingness, signed by two other electors, as proposer and seconder and by the persons whose names are contained in such notice ; and the said officer shall forthwith cause the said notice to be exhibited in his office or other public place until the day fixed for the public meeting of the electors. Should the number of such candidates exceed five, a ballot shall be taken at the annual meeting aforesaid, and the five persons who shall obtain the largest number of votes shall be declared duly elected to serve as a Municipal Council for the ensuing year or until their successors shall be duly elected. In case the number of candidates be not more than five and not less than three, the persons whose names have thus been publicly notified shall be declared duly elected.

*Tenure of Office. Authority.*

6. The Council shall enter upon office as soon as the accounts of the retiring Council have been passed at the annual meeting aforesaid, and shall remain in office till their own accounts have been similarly passed, and their successors have been duly elected and assumed direction. Forthwith, on their assumption of office, all power, authority, and control conferred by these Regulations and Bye-laws on the Council, and all the rights and property which are therein declared to belong to the Council, shall vest in and absolutely belong to them.

*Chairman, Treasurer, Secretary, &c. Quorum.*

7. At their first meeting the Council shall elect from their own body a Chairman and Treasurer. In the temporary absence of the Chairman, the members present at any meeting of the Council shall elect their Chairman for such meeting. The Council shall likewise appoint a Secretary and one or more auditors, and shall have power to arrange for their remuneration, if requisite.

Three Municipal Councillors assembled at a meeting of the Municipal Council shall constitute a quorum for the dispatch of business, or if the Council consist of three Councillors only, then two shall constitute a quorum. On all questions on which the Municipal Councillors present are equally divided in opinion, the Chairman of the meeting shall have a second or casting vote.

*Vacancies in Council.*

8. In case of a vacancy or vacancies occurring during their term of office, the remaining members of the Council shall have power to fill up such vacancy or vacancies. Should, however, the numbers



of members of the Council be reduced to less than three, a special meeting of electors shall be summoned, and an election take place to fill up such vacancies in the same manner as provided above for the annual election.

*Assessments.*

9. The Municipal Council shall, as soon as possible in each year, make, or cause to be made, an assessment of all land and buildings within the limits of the Concession, and such assessment shall be entered in a book provided for the purpose, and be exhibited, for the information of those concerned, on or before the 1st day of April, in the office of Her Britannic Majesty's Consulate, or other public place ; and it shall be competent for any ratepayer feeling himself aggrieved by such assessment to claim a reconsideration of the valuation of any building or lot of land in which he may be interested, provided that such claim be lodged within a period of fourteen days after the exhibition of the said assessment. Such claim shall be heard before an Appeal Committee, consisting of one or more members of the Municipal Council and an equal number of electors, not members of the Council, whose decision, when given, shall be final and conclusive. Such assessment shall be amended from time to time, as circumstances shall require, subject in every case to the right of appeal as set forth above, and shall in all cases form the basis on which rates or taxes shall be levied or electors qualified.

*Power to levy Rates and Taxes. Distraints.*

10. The Council, or their Secretary, shall have full power and authority to levy the rates and taxes hereinbefore mentioned, and for this purpose to sue defaulters before their proper authorities for the amounts due in respect of such rates or taxes levied under authority of these Regulations, or in respect of any fines or penalties incurred through contravention of the Bye-laws hereto annexed, or which may hereafter be passed in accordance herewith. And in case the Council shall be unable to discover the owner of goods or property in respect of which rates, dues, or taxes are in arrear or remain unpaid, or in case the said owner shall be beyond the jurisdiction of the Consular or judicial authorities to which the said Council have ordinary access, the said Council shall, with the consent of the officer for the time being in charge of Her Britannic Majesty's Consulate, be at liberty to distrain and sell such goods or other property as may be necessary for the satisfaction of such arrears, or use such other means as may be necessary to obtain payment of such rates, taxes, or penalties ; or in respect of rates or taxes levied on land or buildings, to distrain on the buildings to such extent as may be necessary to satisfy such rates or taxes.

*Officers.*

11. The Council may from time to time appoint such officers and servants as they think necessary for carrying out these Regula-

tions, and fix the salaries, wages, and allowances of such officers and servants, and may pay the same out of the municipal funds, and make rules for the government of such officers or servants, or discontinue or remove any of them, from time to time, as they shall see fit. But no engagement shall be entered into with any officer or servant for a longer term than two years, without the special authority of the electors in meeting assembled.

#### *Funds.*

12. The Council shall administer the municipal funds for the public use and benefit at their discretion, having due regard to such directions as shall have been passed at any public meeting of electors duly convened; and a statement shall be drawn up at the end of each year, and duly audited, showing the nature and amount of the receipts and disbursements of the municipal fund during that year, and the said statement shall be published, for the general information of the electors, at least one clear week before the annual meeting.

#### *Persons acting in execution of these Regulations not to be personally liable.*

13. No matter or thing done, or contract entered into by the Council, nor any matter or thing done by any member thereof, or person whatsoever, acting under the orders or direction of the Council, shall, if the matter or thing were done, or the contract entered into, in good faith, for the purpose of executing these Regulations, subject him or them, or any of them, personally, to any action, liability, claim, or demand whatsoever. And all expenses incurred properly, and with due authority, by the Council, or any member thereof, or any person acting under their authority or direction, shall be borne and repaid out of the taxes, rates, dues, or other moneys levied under the authority of these Regulations.

#### *Special Meetings.*

14. The officer for the time being in charge of Her Majesty's Consulate shall, at any time when it shall appear to him advisable, or on the requisition of five or more duly qualified electors, call a special meeting of electors, stating its purpose, giving at least ten days' notice thereof; and at such special meeting it shall be competent to the electors to discuss any subject or matter which might legally be brought forward at an annual meeting, provided that notice of such discussion has been inserted in the summons calling the meeting; and all Resolutions passed as aforesaid at such special meeting shall be equally valid and binding as if passed at the ordinary annual meeting, and shall in like manner be subject to the approval of the officer in charge of Her Britannic Majesty's Consulate.

## [Land Regulations. Chinkiang.]

*Bye-Laws.*

15. The electors shall have power and authority from time to time to pass Bye-laws for the better enabling them to carry out the object of these Regulations, or to repeal, alter, or amend those already made, provided that such Bye-law or Bye-laws, or any alterations or amendments thereto, be not repugnant to the provisions of these Regulations, and that such Bye-law or Bye-laws, alteration, or amendment have been passed by a majority of, at least, two-thirds of the total number of votes given. But no Bye-laws so passed shall come into operation till approved of by Her Britannic Majesty's Minister.

*Roads and Jetties. Foreshore of River Yang-tsze.*

16. All roads and jetties now existing within the Concession, or which may hereafter be surrendered to public use, and the entire foreshore of the River Yang-tsze, within the said limits, shall remain henceforth dedicated to the same uses, and no land so surrendered to public use shall be resumed or alienated except with the consent of the electors in public meeting assembled; and over all ground so surrendered the Municipal Council shall exercise full and complete control, subject to the above stipulation.

*Power to acquire Land for Roads, Cemeteries, &c.*

17. The Municipal Council, with the consent of the electors, shall have power to acquire land lying without the Concession, by purchase or otherwise, for the purpose of extending lines of roads, or improving communications, as well as for cemeteries or sanitary purposes.

*Council may sue and be sued.*

18. The Municipal Council may sue and be sued in the name of their Secretary for the time being; and their Secretary, acting on their behalf, shall have all the rights and privileges which private complainants have to recover and enforce judgments obtained by them, and shall also incur the obligations which private defendants have in proceedings at law or suits in equity commenced against him: Provided that the said Secretary shall not in such a case or cases be personally liable, but only the property of the said Municipal Council; and all proceedings against such Secretary shall be commenced and prosecuted in Her Britannic Majesty's Consular Court at Chinkiang.

*Buildings.*

19. All buildings erected within the limits of the Concession shall have their external walls built of brick, stone, iron, or other non-combustible materials; the boundaries of lots shall not be built upon so as to form part of any building or buildings; no porch, step, shed, window, eave, cornice, or other projection beyond the wall

of any building shall jut out or project over public roads or adjacent lots ; and if, after the passing of the Land Regulations, any building or projection be at variance with the provisions herein contained, Her Britannic Majesty's Consul or the officer in charge of Her Britannic Majesty's Consulate shall, on the application of the Secretary of the Council, give orders for the removal of the same within a reasonable period ; on the expiry of which period, in case the buildings shall not have been altered or removed, it shall be competent for the Municipal Council to remove or alter them, and the expenses incurred thereby shall be repaid by the person so offending, and be recoverable as damages.

*Plans to be submitted.*

20. No building of any kind shall be erected within the limits of the Concession unless a plan of same, specifying its intended position, size, and the materials of which it is to be built, shall first be submitted to the Secretary of the Municipal Council for their approval, under a penalty or fine recoverable from the offender, not exceeding \$100, and with a further fine not exceeding \$25 for each day during which such building shall be retained without the alterations which the Municipal Council deem desirable being carried out.

*Control and Management of Sewers and Drains.*

21. The entire control and management of all public sewers and drains within the limits of these Regulations, and all sewers and drains in and under the roads, and all the works and materials thereunto belonging, whether made at the time of the passing of these Regulations or at any time thereafter, and whether made at the cost of the Council or otherwise, shall vest in and belong to the Council.

*No Sewer or Drain to be made, or Building erected over any Public Sewer, without Consent of Council.*

22. No sewer or drain shall be made, nor any building be erected, over any sewer belonging to the Council, nor shall any branch drain be carried into any of the sewers or drains above vested in the Council without the consent of the Council first obtained in writing. And if after the passing of the Land Regulations any sewer or drain be made, or any building be erected, contrary to the provisions herein contained, the Council may demolish the same, and the expenses incurred thereby shall be paid by the person so offending, and shall be recoverable as damages.

*Council shall be Surveyors of Highways.*

23. The Council, and none other, shall be Surveyor of all highways within the limits of the aforesaid Regulations, and within those limits shall have all such powers and authorities as any surveyors of highways are invested with in England.

*Management of Streets, and Repairs thereof, to vest in Council ; also Bunding Wharves and Jetties.*

24. The management of the streets, drains, bunding wharves and jetties, and the laying out and repairing thereof, shall be vested in the Council ; and all materials, implements, and other things provided for laying out and repairing said streets, drains, bunding wharves and jetties, shall belong to the Council.

*Council may stop up any Street and prevent all Persons from passing.*

25. The Council may stop up any streets, and prevent all persons from passing along and using the same during the construction, alteration, repair, or demolition of any sewer or drain in or under such street.

*Dangerous Places to be repaired or inclosed.*

26. If any building, wall, or hole, or other place near any street be, for want of sufficient repair, protection, or inclosure, dangerous to the passengers along such street, the owner shall repair the same, or in default the Council shall cause the necessary repairs to be made, and the expenses of the same shall be recoverable as damages from the owner. If the owner of any such dangerous wall, building, hole, or other place, or his agent, cannot be found, the Council, after giving twenty-eight days' notice of their intention to do so, by posting a printed or written notice in a conspicuous place on such building or other place, may, with the permission of the officer in charge of Her Britannic Majesty's Consulate, take such building or land and sell the same by public auction, and from and out of the proceeds of such sale reimburse themselves for outlay incurred, and shall restore any overplus arising from such sale to the owner of such property on demand ; but should the proceeds of such sale not cover the expenses incurred, the Council shall have the same remedies for compelling the payment of the balance as are hereinbefore given to them for compelling the payment of the whole of the said expenses.

*Transient Offenders.*

27. It shall be lawful for any officer or agent of the Council, and all persons called by him to his assistance, to seize and detain any person who shall have committed any offence against the provisions of the Bye-laws, and if he be a Chinese subject, or a foreigner belonging to some nationality not represented by a Consul, to hand him to Her Britannic Majesty's Consul to be disposed of according to law. If the offender be a citizen or subject of some nationality duly represented, he shall be handed over to his own Consul for adjudication.

*Penalties may be summarily recovered.*

28. Every penalty or forfeiture imposed by these Regulations or Bye-laws, the recovery of which is not provided for, may be

## [Land Regulations. Chinkiang.]

recovered by summary proceedings before Her Britannic Majesty's Consul, and, upon conviction, [? the offender] shall pay the penalty or forfeiture incurred, as well as such costs attending the conviction as such Consul shall think fit.

## BYE-LAWS

*Annexed to the Land Regulations for the Foreign Settlement, Chinkiang.*

1. No straw shed, bamboo house, or building of like inflammable nature shall be erected within the limits of the Concession, nor shall goods or merchandise likely to endanger life or cause injury to individuals or property, such as gunpowder, saltpetre, sulphur, large quantities of spirits in bulk, petroleum, naphtha, or other explosive or dangerous articles, stand on the premises of any individual within such limits; and all smelting and refining of metals, and the practice of extracting gold from silver, is prohibited within the limits of the Concession under a penalty not exceeding \$250 for the first offence, and not exceeding \$500 for every succeeding offence.

2. Parties desirous, however, of storing small quantities of any of the before-mentioned goods, intended for immediate use or for sale in the ordinary manner of retail trade, may apply to the Secretary of the Council, stating the nature and quantity of the goods desired to be stored, and the position in which they are to be placed, as well as the precautions against explosion or fire intended to be used, and the Municipal Council shall, at their discretion, grant permission for such storage. In case, however, of any failure to carry out such precautions or other stipulations entered upon such permission, the party so offending shall be liable to a penalty not exceeding \$100 for each offence, and a further penalty not exceeding \$25 for every twenty-four hours of continued disobedience after notice to that effect shall have been served upon him by the Secretary of the Municipal Council.

3. All sewers and drains within the limits of these Regulations, whether public or private, shall be provided by the Council, or other persons to whom they severally belong, with proper traps or other coverings, or means of ventilation, so as to prevent stench.

4. It shall not be lawful to erect any house in the Concession, or to rebuild any house in the Concession, without at the same time constructing a covered drain or drains of such size and materials, and at such level, and with such fall as to the Council shall appear necessary and sufficient for the proper and effectual drainage of the same and its appurtenances; and the drain or drains so to be constructed shall communicate with such sewers as the Council may direct. And whosoever erects or rebuilds any house or other buildings or constructs any drains contrary to this Bye-law, shall be liable for every such offence to a penalty not exceeding \$250.

5. The Council shall cause all the streets, together with the foot pavements, from time to time to be properly swept and cleansed, and all dust and filth of every sort thereon to be collected and removed; and shall cause all dust, ashes, and rubbish to be removed away from the houses and tenements of the inhabitants of the Concession at convenient hours and times, and shall cause the privies and cesspools within the said limits to be from time to time emptied and cleansed in a sufficient and proper manner; and every owner or occupier of any building or land within the said limits, or any other person whatever, who refuses to permit the scavengers employed by the Council to remove such dust, ashes, or rubbish as by this Bye-law they are authorized to do, or who wilfully obstructs said scavengers in the performance of their duty, shall for every such offence be liable to a penalty not exceeding \$20.

6. Every person who wilfully displaces, takes up, or makes any alteration in the pavement, flags, or other materials of any street, bunding, or jetties under the management of the Council, without their consent in writing, shall be liable to a penalty not exceeding \$25.

7. When any building materials or other things are laid, or any hole made in any of the streets, whether the same be done by order of the Council or not, the person or persons laying such materials or causing such hole to be made, shall, at his own expense, cause a sufficient light to be fixed in a proper place on or near the same, and continue such light every night from sun-setting to sun-rising while such materials or hole remain; and such person shall, at his own expense, cause such

## [Land Regulations. Chinkiang.]

materials or other things and such hole to be sufficiently fenced and inclosed until such materials or other things are removed, or the hole filled up, or otherwise made secure. And every such person who fails so to light, fence, or inclose the same, shall for every such offence be liable to a penalty not exceeding \$25.

8. No person shall obstruct the public roads or footpaths with any kind of goods or building materials under a penalty not exceeding \$50, and of a further penalty not exceeding \$25 for every day of continued obstruction; and in case on the expiry of the first twenty-four hours after notice to remove same shall have been given to the owner of them, or the person using, employing, or having control over same, the said goods or materials shall have meanwhile not been removed, or in the absence of any such person, or in case of inability on the part of the Council to find him, the Council shall have authority to remove and retain the same until the expense of such removal shall have been repaid; or may recover the expense of such removal as damages, or may sell the same to recover such expenses, holding the balance, if any, after payment of penalties, expenses, and costs, to the use of the person entitled to the same.

9. In the case of any stagnant pool, ditch, or pond of water, pig-stye, cow-house, stable, privy, or any other building, construction, or thing, being reported as a nuisance by the Medical Officer of Health, or his duly appointed substitute, the Secretary of the Council shall forthwith give notice to the owner or occupier, or reputed owner or occupier, or agent, that such nuisance must be removed; and if the same be not removed within a time considered reasonable by the Council, the Council may abate such nuisance at the expense of the owner or occupier of such property, the same being recoverable as damages.

Gambling of every description is strictly prohibited within the Concession, and the occupier of any building in which it is carried on shall be liable to a penalty not exceeding \$500 for each offence.

10. No foreigner or Chinese shall vend opium, spirits, or liquors of any description by retail, or open a house of public entertainment, theatre, music-hall, billiard saloon, &c., or set up a pawnbroking establishment, without a licence first obtained from the Council and countersigned by Her Britannic Majesty's Consul, and upon good and sufficient security given for the maintenance of order in such establishment. And in respect of such licence or licences the Council may charge on such scale as may be authorized at any public meeting of the electors duly convened, not exceeding the following, that is to say:—

	Amount.	
	From—	To—
	Dollars.	Dollars.
For every spirit, wine, or beer shop—		
For every three months .. .. .	6	200
For every house of public entertainment, hotel, or tavern—		
For every three months .. .. .	6	200
For every public billiard table—		
For every three months .. .. .	..	6
For every public tea or coffee-house, or opium shop—		
For every three months .. .. .	6	200
For every pawnbroking establishment—		
For every three months .. .. .	25	100
For every theatre, circus, music or dancing saloon—		
For every night open .. .. .	6	200

Every person opening, or keeping, or holding any such shop, store, house of public entertainment, theatre, saloon, or establishment, without having first obtained a licence as above, shall, over and above the cost of the licence and summons, be liable to a fine not exceeding \$100 for every such offence, and every land-renter who shall permit his premises to be used as such shop, store, house of public entertainment, saloon, or establishment, after one month's notice by the Council that a licence has been refused to the occupier, shall be liable to a fine not exceeding \$100, with an additional fine not exceeding \$10 for every twenty-four hours of continued disobedience of this Bye-law.

## [Inland Steam Navigation.]

11. All persons creating a disturbance, and all persons guilty of furious and improper riding or driving, or the leading of horses up and down the "bund" or other streets of the Concession for exercise, or firing crackers, or who shall commit any act which may legitimately come within the meaning of the term "nuisance," shall be liable to a penalty not exceeding \$50.

12. Nothing in these bye-laws contained shall be construed to render lawful any act or omission on the part of any person which is, or would be, deemed to be a nuisance at common law from prosecution or action in respect thereof, according to the forms or proceeding at common law, nor from the consequences of being convicted thereof.

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(No. 138.) *REGULATIONS\* issued by the Tsung-li Yamèn to the Chinese Superintendents of Trade relative to Inland Steam Navigation. Peking, July 28, 1898.*

## (A).—Registration.

1. THE inland waters of China are hereby opened to all such steamers, native or foreign, as are specially registered for that trade at the Treaty Ports. They may proceed to and fro at will under the following Regulations but they must confine their trade to the inland waters and must not proceed to places out of Chinese territory. The expression "inland waters" is used with similar meaning to that given for places in the interior (nei ti) in Article IV† of the Chefoo Convention (No. 12).

2. Trading steamers, native or foreign, not being vessels of sea-going type whether plying only in the waters of a Treaty Port or going thence inland are to be registered at the custom-house and there take out papers showing respectively the owner's name and residence, name and type of steamer, number of crew, &c., in addition to whatever national papers they are allowed or required by law to carry; such Customs papers are to be renewed annually, and are to be surrendered on change of ownership or when the vessel ceases to ply. The fee for the first issue of Customs papers will be 10 taels, and for each renewal 2 taels.

3. Such registered steamers may ply freely within the waters of the port without reporting their movements to the Customs; but if they go inland they must report both departure and return. No unregistered steamer will be allowed to ply inland.

4. As regards exhibition of lights, prevention of collision, shipping of crews, and inspection of boilers and machinery, &c., all such steamers are to observe the rules in force at the port they belong to. These rules will be published by the Customs and printed on the vessel's Customs papers.

## (B).—Revenue.

5. Dutiable cargo shipped under these Regulations at any Treaty Port on a registered steamer for conveyance to the interior

\* See Supplementary Rules of September, 1898 (No. 140); and Additional Rules annexed to No. 28. Vol. I, page 187.

† Should be Section III, Clause 4. See Vol. I, page 79.



## [Inland Steam Navigation.]

must be declared at the custom-house and pay on export such duties as the Customs decide to be leviable. Dutiable cargo brought from inland to a Treaty Port is to be in like manner dealt with by the custom-house there. As to the duties to be paid by vessels belonging to foreign merchants, they are to be in accordance with the Treaty Tariff.

6. Cargo landed or shipped inland is to pay at the place of landing or shipment whatever duty and *li-kin* local regulations call for. In dealing with the vessels of foreign merchants a procedure analogous to what the Treaty Tariff calls for is to be followed.

7. If such steamers have vessels in tow they must bring to at whatever *li-kin* stations the vessels towed are required to stop at for inspection and for the respective cargoes of both vessels to be dealt with as local rules prescribe. The rules to be enforced on foreign merchants must be in accordance with Treaty provisions and as well be published in full by the Customs. Steamers which have not special Customs papers are not permitted to tow vessels on the Yang-tsze.

8. Offences inland, whether against revenue laws or affecting person or property, are to be dealt with by the local authorities of the district in the same way as if they were committed by their own people ; but if the vessel concerned is foreign-owned, or the Chinese implicated is a Chinese employed on board such foreign-owned vessel, the local authorities are to communicate with the nearest Commissioner of Customs, and the Commissioner in turn with the Consul, who may send a deputy to watch the proceedings. If the offender claims the status of a foreigner, he is to be treated in the manner prescribed in the Treaties where foreigners without passports are arrested, and sent to the proper Consul through the Commissioner of Customs at the nearest port.

9. If any such steamer passes any inland station or *li-kin* barrier that ought to be stopped at without stopping, or if any of the passengers, crew, &c., create trouble inland, the vessel may be fined or punished according to the station regulations, and the Customs may cancel the vessel's papers and refuse permission for her to trade inland again.

In cases where foreign-owned vessels are concerned, the merchant interested may elect to bring the whole case and the question of fine before a Joint Investigation Court, to be dealt with according to the regulations for cases of fine and confiscation promulgated in the year 1868.\*

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The above Rules are for the inauguration of steam traffic, and suffice for the time being ; if hereafter it is found that changes are necessary, they can be made from time to time as required.

*Peking, July 28, 1898.*

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\* Dated Peking, 31st May, 1868 (No. 127).

(No. 139.) *REGULATIONS governing Trade on the Yang-tsze Kiang. Peking, August, 1898.*

ART. 1. *Former Regulations Rescinded.*—The revised Regulations of Trade on the Yang-tsze Kiang (1862), having been amended, and the substance of their provisions having been incorporated in the present Yang-tsze Regulations, the said revised Regulations of Trade on the Yang-tsze Kiang are hereby abrogated, together with the Port and Customs Regulations thereon dependent.

2. *Ports, Stages, and Passenger Stations.*—The merchant-vessels of the Treaty Powers are authorized to trade on the Yang-tsze Kiang at the following Treaty Ports :—

Chinkiang, Nanking, Wuhu, Kiukiang, Hankow, Shasi (Shashih), Ichang, and Chungking ; and to land and ship goods in accordance with special regulations at the following non-Treaty ports :—

Tatung and Anking (Nganking), in Anhwei ; Hukow, in Kiangsi ; Luchikou and Wu-Sueh, in Hukwang.

Shipment or discharge of cargo at any other points on the river is prohibited, and any violation of the prohibition will be dealt with in accordance with the Treaty provisions applicable to clandestine trade along the coast ; but passengers and their baggage may be landed and shipped at any of the regular passenger stations (at present consisting of Kiangyin and I-chang, in Liang Kiang, Hwangtzekang, and Hwangchow, in Hukwang) ; passengers' baggage must not contain articles subject to duty, and the presence of dutiable articles will render the whole liable to confiscation.

3. *Three Classes of Vessels.*—Merchant-vessels trading on the river are to be divided into three classes :—

First Class. Sea-going vessels trading for the voyage up river beyond Chinkiang ;

Second Class. River steamers running regularly between any of the river ports or Shanghai and any river port ;

Third Class. Small craft (lorchas, papicos, junks, &c.).

These three classes of vessels will be dealt with according to Treaty and the Rules for the ports traded at.

4. *Sea-going Vessels.*—Sea-going vessels trading no further up river than Chinkiang will be dealt with at Chinkiang in every respect like vessels trading at other coast ports ; but sea-going vessels on a voyage further up river than Chinkiang become thereby vessels trading on the river of the first class set forth in the preceding Article ; such merchantmen, whether steamers or sailing-vessels, must deposit their registers with the Consul, or, if Consularly unrepresented, with the Customs at Shanghai, Woosung, or Chinkiang, where the Customs, on receipt of a Consular application or a deposit of papers, will issue a certificate to the vessel, to be called the "*Special River Pass*," on which shall be entered the vessel's name, flag, registered tonnage, general cargo, and arma-

## [Trade on the Yang-tsze Kiang.]

ment. The vessel may then proceed up river and at whatever Treaty Port she trades must report and clear, load and unload cargo, and pay dues and duties in the same manner as at other Treaty Ports along the coast. On return to the port that issued it—Chinkiang, Woosung, or Shanghai—the “*Special River Pass*” is to be surrendered to the Customs, and the Customs, on having ascertained that all dues and duties have been paid and all other conditions satisfied, will then issue the “*Grand Chop*,” to enable the vessel to procure her register and proceed to sea.

5. *River Steamers*.—Any steamer intended to trade regularly on the river may deposit her register at the Consulate at Shanghai, or, if Consularly unrepresented, at the Custom-house, when the Customs, on the receipt of a Consular application or on the deposit of the register, will issue a certificate, on which shall be entered the vessel's name, flag, registered tonnage, and armament, to be called the “*River Pass*,” that shall be valid during the current year; such *River Pass* must be renewed every year either at Shanghai or at Hankow or Ichang in the case of river steamers trading above those places, and not returning to Shanghai.

River-pass steamers will report and clear, load and discharge, and pay dues and duties in accordance with the Customs Regulations of the port concerned; their tonnage dues are to be paid at the ports which issue or renew the river pass (Shanghai, Hankow, or Ichang).

Infringement of River Port Regulations will be punished by the infliction of the penalties in force at other Treaty Ports; for a second offence the river pass may be cancelled and the steamer refused permission to trade thenceforward above Chinkiang.

Any steamer not provided with a river pass, if proceeding above Chinkiang, will come under the rule affecting sea-going vessels laid down in Article 4, and will be treated accordingly.

6. *River-pass Steamer's Cargo*.—The former Regulation having been abrogated which made it obligatory to deposit coast-trade duties simultaneously with paying export duties, river pass steamers will now pay duties in the same way as vessels at other Treaty Ports along the coast—that is, export duties at the port of departure before shipment of exports, and import or coast-trade duties at the port of discharge before release of imports; and similarly they will ship, trans-ship, and discharge cargo after report, examination, and issue of permit, in the same way as vessels at Treaty Ports along the coast.

When tea is landed by a river-pass steamer, the consignee, instead of paying coast-trade duty, may deposit a bond for the amount; on proof of re-shipment within a year, the bond will be cancelled. When re-shipped tea is re-landed at another port, *e.g.*, re-shipped at Hankow and re-landed at Shanghai, a new bond will be required in lieu of coast-trade duty, to be cancelled on subsequent re-shipment; and so on.

## [Trade on the Yang-tsze Kiang.]

7. *Small Craft* (Lorchas, Papicos, Junks, &c.) :—

(a) *Lorchas, &c.*, owned by foreigners, if provided with registers, and entitled to fly national flags, are required to take out a *Special River Pass* either through the Consulate or from the Customs direct at Chinkiang if proceeding further up the river. They will report, work cargo, and pay duties like other sea-going special river-pass vessels.

(b) *Papicos, &c.*, owned by foreigners, but not provided with registers or entitled to fly national flags, are to take out Customs registers at the port they belong to, and report, work cargo, and pay duties in the same way as lorchas.

(c) *Chinese Junks* chartered by foreigners are only available for conveying foreign-owned cargo from Treaty Port to Treaty Port ; they must take out special junk papers at the Customs, to be obtained in exchange for bonds executed at and deposited with the Customs, and the conditions of the bond being that the cargoes are *bonâ fide* foreign property, and will be landed and pay duty at a Treaty Port, and the penalty that if the cargoes fail to be so landed and pay duty, no chartered junk will thereafter be cleared for the foreigner in question. Such junks to report, work cargo, and pay duties in the same way as lorchas, papicos, &c.

8. *Cargo Certificates*.—Special river-pass merchantmen, river-pass steamers, and lorchas, papicos, and junks, &c., must apply to the Customs at the port of departure for a cargo certificate (“tsung tan”), which, on the vessel’s arrival at the port of destination, must be handed in to the Customs before permission to discharge can be given. The vessel will be responsible for the duties on all goods entered on the said cargo certificate, and not landed on permit at port of discharge.

9. *Miscellaneous*.—Any trading-vessel falling in with a revenue cruiser or Customs boat on the Yang-tsze Kiang is to produce her papers for inspection if examination of them is required. Vessels unprovided with proper papers will be dealt with under the Treaty Articles penalizing clandestine trade along the coast.

The Customs may seal the hatches of any vessel trading on the Yang-tsze, and may place Customs officers on board to accompany her on the trip, whether up stream or down.

Special river-pass vessels of the first class are not required to anchor to exhibit their papers at the intermediate ports passed and not traded at.

10. *Yang-tsze Customs and Port Regulations*.—The adoption and promulgation of new regulations for vessels trading on the Yang-tsze having rendered meaningless sundry Customs and Port Regulations which guided procedure under the former system, and having necessitated the substitution of fresh Regulations and different practice under the system now introduced, the ports concerned (Shanghai, Chinkiang, Nanking, Wuhu, Kiukiang, Hankow, Shasi (Shashih), Ichang, and Chungking), will proceed forthwith to arrange

and publish new Rules and Regulations, and these are, on the one hand, to facilitate trade, and, on the other, to protect revenue and prevent smuggling.

The above Regulations are open to revision when and if necessary.

(No. 140.) *SUPPLEMENTARY RULES\* under Inland Steam Navigation Regulations. Peking, September, 1898.*

1. FOREIGN goods going inland on steamers can either be taken with transit passes or by payment of dues and duties at the several stations passed *en route*, at the merchant's option. The vessels are not to be held in any way responsible for the terminal duties on cargo, but it must not be landed clandestinely.

2. Native goods leaving a Treaty Port for the interior in a steamer must be declared at the proper custom-house, and pay export duty according to the regulation for outgoing cargo shipped in native vessels. They will pay inland whatever dues and duties are payable by similar goods carried in native vessels. If the goods declared are native re-exports which have originally paid export duty at another port, they may be shipped free of export duty; but as regards inland dues and duties are on the same footing as ordinary exports. The responsibility for any duties payable on goods at place of destination, no matter where the vessel comes from, attaches to the cargo and not to the vessel; but the cargo must not be landed clandestinely.

3. Native goods, once regularly shipped on board a steamer in the interior, are not later required to produce proof of payment of such local duties as were leviable there before shipment; but they are liable for *en route* duties.

On arrival at a Treaty Port they will, if for local native consumption, pay to the proper office the duties paid on similar cargo carried in native vessels. Outside this duty the steamer is not to be held responsible for any duty, *li-kin*, contribution, or charge.

If the native produce is intended for export, it may be brought from the interior either under a transit certificate issued on deposit of bond, according to what are known as the "Chinkiang Rules," or by paying dues and duties in accordance with regulation *en route*, at the option of the merchant concerned, whether a Chinese or a foreigner.

Goods brought from the interior merely for trans-shipment into a sea-going or river steamer are not liable to any duty at the port except the Treaty Tariff export duties.

4. All inland-going steamers are to pay tonnage dues once in four months, at the Treaty Tariff rate, at the port where registered. Towed native boats are liable to such "ch'uan-liao" as the regulations provide for.

\* See also Regulations of 28th July, 1898 (No. 138); and Additional Rules annexed to No. 28. Vol. I. Page 187.

## [Inland Steam Navigation.]

5. Cargo shipped on native boats to be towed by steamers is to be on the same footing as regards duty payment as steamers' cargo.

6. Steamers are not allowed to land cargo except at places ordinarily recognized as places of trade for native vessels; in the event of their violating this rule, they will be dealt with as the Treaties provide in the case of vessels frequenting places not open to trade. Similarly, vessels on the registers for inland waters' trade carrying goods out of Chinese territory or jurisdiction will be liable to a fine not exceeding 200 taels for the first offence; for the second, the penalty will be abrogation of the right to carry on inland trade.

7. The Customs at the Treaty Ports will give cargo certificates detailing all the cargo shipped there under its cognizance. These certificates will form the basis of duty payment at way stations, and the vessels concerned, unless there is reason to suspect them of smuggling, will not be detained for rigid examination at each place, but will be released on payment of proper duty.

Manifests of all cargo to be landed are to be handed in at the landing-places (in Chinese if the places are away from the Treaty Ports).

8. As regards the publication of the rules and regulations in force at the several places where dues and duties are payable, referred to in Rule 7, it is understood that the publication is to take place before the end of this Chinese year. In the meantime, if vessels do not stop at stations they will not be liable to any penalty for passing them, unless they are hailed to bring-to by the station or one of its boats, and disregard the summons.

9.\* After the regulations have been notified, the provincial authorities will appoint at each Treaty Port a responsible officer, who will collect on provincial account the dues and duties prescribed in Articles 2 and 3 on goods going to or coming from inland waters, and report the collection at stated intervals to his superiors. He will receive in one lump sum all the dues and duties a vessel lading for a certain destination is bound to pay at the various stations she will pass on the way. The officer will give a certificate of receipt, presentation of which at the stations will exempt the goods from levy of duty or vexatious examination.

The officer appointed will have an office in the vicinity of the custom-house, and will work in concert with, and under the guidance of, the Commissioner. In case any question or difficulty arises, the Commissioner and the Superintendent of Customs will arrange it amicably; when a foreigner is concerned, he has the option of having it dealt with under the Joint Investigation Rules.†

These Supplementary Rules, like the Rules to which they are appended, are provisional, and liable to change as required.

*September, 1898.*

\* See Annexes 4 and 5 to Treaty between China and Japan of 8th October, 1903 (No. 66). Pages 389 and 390.

† Dated Peking, 31st May, 1868 (No. 127).

(No. 141.) *ORDER IN COUNCIL providing for the Government of the Territories adjacent to Hong Kong leased under the Convention of June 9, 1898. Balmoral, October 20, 1898.*

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At the Court at Balmoral, the 20th day of October, 1898.

PRESENT: THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.

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WHEREAS by a Convention dated the 9th day of June, 1898 (No. 24), between Her Majesty and His Imperial Majesty the Emperor of China, it is provided that the limits of British territory in the regions adjacent to the Colony of Hong Kong shall be enlarged under lease to Her Majesty in the manner described in the said Convention ;

And whereas it is expedient to make provision for the government of the territories acquired by Her Majesty under the said Convention, during the continuance of the said lease :

It is hereby ordered by the Queen's Most Excellent Majesty, by and with the advice of Her Majesty's Privy Council, as follows :—

1. The territories within the limits and for the term described in the said Convention shall be, and the same are hereby declared to be, part and parcel of Her Majesty's Colony of Hong Kong in like manner and for all intents and purposes as if they had originally formed part of the said Colony.

2. It shall be competent for the Governor of Hong Kong, by and with the advice and consent of the Legislative Council of the said Colony, to make laws for the peace, order, and good government of said territories as part of the Colony.

3. From a date to be fixed by Proclamation of the Governor of Hong Kong, all laws and ordinances which shall at such date be in force in the Colony of Hong Kong shall take effect in the said territories and shall remain in force therein until the same shall have been altered or repealed by Her Majesty or by the Governor of Hong Kong, by and with the advice and consent of the Legislative Council.

4.\* Notwithstanding anything herein contained, the Chinese officials now stationed within the city of Kowloon shall continue to exercise jurisdiction therein except in so far as may be inconsistent with the military requirements for the defence of Hong Kong.

And the Right Honourable Joseph Chamberlain, one of Her Majesty's Principal Secretaries of State, is to give the necessary directions herein accordingly.

A. W. FITZROY.

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\* This Article revoked by Order in Council of 27th December, 1899 (No. 144).

(No. 142.) *LAND REGULATIONS of the British Municipal Extension, Tientsin. 31st March, 1899.*

UNDER and in pursuance of the provisions of "The China and Japan Order in Council, 1865,"\* and of "The China and Japan Order in Council, 1881,"\* Her Majesty the Queen has been graciously pleased to approve "The Land Regulations of the British Municipal Extension, Tientsin, 1898," of which a copy is annexed hereto.

SALISBURY.

*Her Majesty's Principal Secretary of State  
for Foreign Affairs.*

*Foreign Office, March 31, 1899.*

CONTENTS.

	Page.
Preamble .. .. .	729
Taotai's proclamation .. .. .	730
LAND REGULATIONS.	
1. Boundaries and limits. Name. Taku Road .. .. .	732
2. Control of the British authorities: Municipal Government .. .. .	732
3. Consular approval .. .. .	734
4. Leases and transfers. Mortgage, registration .. .. .	734
5. Boundary stones .. .. .	735
6. Lands, ponds, &c., for roads and public purposes .. .. .	735
7. Use of public land, institutions, &c. .. .. .	736
8. Land tax .. .. .	736
9. Annual meeting of landowners, feuers, leasees and residents. Consular assent, election of Council, owners' minutes, language .. .. .	736
10. Other general meetings. Presence of the public at meetings .. .. .	737
11. Suffrage: Tenants; owners, feuers or leasees; proxies .. .. .	738
12. Register of voters .. .. .	739
13. Council: Tenure of office, chairmanship, quorum .. .. .	740
14. Council: Dismissal and suspension of Councillors .. .. .	740
15. Proceedings of Council .. .. .	740
16. Powers of Council. Funds and accounts .. .. .	740
17. Council: Auditor, audit of accounts .. .. .	741
18. Council: Power to sue, and liability to be sued.. .. .	741
19. Council: Private estates of Councillors exempt from legal process .. .. .	741
20. Council: General powers .. .. .	742
21. Arrest and temporary imprisonment .. .. .	742
22. Licences, &c. .. .. .	743
23. Disorderly houses .. .. .	744
24. Transit of gunpowder, explosives, or dangerous material .. .. .	744
25. Police .. .. .	744
26. Buildings: Ventilation, drainage, sanitation, &c. .. .. .	745
27. Proof of Regulations and bye-laws .. .. .	746
28. Interpretation of Regulations and bye-laws .. .. .	746
29. Revision and amendment of Regulations .. .. .	746
Consular Veto .. .. .	1095
Municipal Police .. .. .	1105

*Preamble.*

Whereas by the terms of the appended Proclamation, issued on the 31st March, 1897, by his Excellency Li-Min-ch'en, Hai-kwan

\* Repealed. See Order in Council of 24th October, 1904 (No. 156), Article 169.



Taotai of Tientsin, under the authority and by the direction of his Excellency Wang Wên-shao, Viceroy of Chih-li and Superintendent of Northern Trade, a certain quantity of land adjoining the British Concession in Tientsin has been handed over to the British local authorities for the purposes usually included in "Municipal Government"; and whereas by Section 85 of "The China and Japan Order in Council, 1865," it is provided that Her Majesty's Minister in China may from time to time make Regulations for the peace, good order, and government of British subjects resident in China; and whereas such Regulations have effect unless and until they are disapproved by Her Majesty.

Be it therefore ordered that the following Regulations and subsequent Bye-laws shall have effect and shall be binding upon all persons residing or being within the limits of the said area as to matters and things comprised therein, from and after one calendar month after the same shall have been affixed in and kept exhibited at Her Majesty's Consulate in Tientsin.

Be it further ordered that the Regulations and subsequent Bye-laws shall in like manner be binding on all British subjects residing or being within the Consular district of Tientsin. It is understood that the obligation of other foreigners residing therein, or owning property, leases, or feus therein anterior to the date of the Taotai's Proclamation, to conform to and obey the said Regulations and subsequent Bye-laws, is derived from their individual assent, together with the sanction and approval of their own national authorities.

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*Taotai's Proclamation.*

(Translation).

The land lying west of the Taku Road used formerly to be entirely inhabited by Chinese, and was quite distinct from the foreign Settlements. At present, however, some 800 *mow* of this land has been leased to British subjects, who have built houses upon their property. The British Consul has frequently discussed with the Taotai the question of making roads in this neighbourhood and removing the nuisances which exist. The Taotai has, therefore, laid the matter before his Excellency Wang, Superintendent of Northern Trade, who, after careful consideration, has given his permission for that portion of land, excepting, however, the Taku Road itself, which is bounded on the east by the Taku Road, west by the Mud Wall, north by a line stretching from the northern extremity of the Concession westward to the Mud Wall, and south by one stretching from the Hsiao Ying-mên to the Young Men's Christian Association building, being under the control of the British authorities, and that the Regulations for same be drawn up by the Taotai and Consul in consultation.

This Proclamation is therefore issued that the people who are inhabiting this land may know that, after the issue of this Proclama-

tion, the British authorities will be empowered to remove nuisances, brothels, and gambling dens ; to construct drains, prohibit burials and the exposure of coffins, &c. ; and that order will be kept by their police. Land required for roads will be paid for at market value, and people will not be permitted to purposely raise their prices. The Taotai will also appoint special deputies for the extension area, and will increase the number of police officers in the neighbourhood to look after any matters which may arise.

The Regulations which have been drawn up, and which you must implicitly obey, are as follows :—

1. Land belonging to Chinese will remain, as now, the property of the owners, but they must obey the British Regulations. Disorderly characters and persons found breaking the law will be arrested by the British police and handed to the deputies at once, who will send them on for punishment to the Taotai ; they will not be retained in the Municipal prison. The British authorities will also have control over sanitation and drainage, and will have power to prohibit the exposure of coffins and burials. If any one within the area has a graveyard and is willing to remove it elsewhere, the Taotai and the Consul will consult together and devise some satisfactory method to enable him to do so. Those who are unwilling to remove their graves must keep them in proper sanitary order.

2. Within a fixed period (to be arranged by the Taotai and Consul) all brothels, gambling dens, disorderly houses, &c., will be closed.

3. The roads which it is proposed to make will be marked out, and a plan of them shown to the Chinese authorities, who will issue a proclamation, from the date of which no building will be permitted on the ground required for the roads. Compensation (which, if necessary, will be settled by the two authorities) will be made to the owners of the land, based on the market value of similar land in the neighbourhood.

4. After the issue of this proclamation, Chinese owning mud houses, or houses in an insanitary condition, may, if they wish it, sell them at a reasonable price to foreigners ; but those who do not wish to sell will have, after a period of three years, either to pull their houses down, or, if they object to doing so, meet the requirements of the Regulations.

5. At the end of three years, Chinese landowners possessing any means will have to bear their share of the rates for roads, &c. If there are any public matters affecting them, however, to consult about, they will be allowed to take their part in the discussion ; but Regulations on this subject will be drawn up by the Taotai and Consul.

6. Any ponds belonging to Chinese which have to be filled up, but which the owners have not means to fill, must be sold at a reasonable price to the British authorities, who will then do the filling themselves.

## [Land Regulations. Tientsin Extension.]

7. After the issue of this proclamation all transfers of land within the area must be registered at Her Britannic Majesty's Consulate, and for three years no charge will be made for this.

8. The Taku road is a Chinese high road. Neither foreigners nor Chinese will be allowed to encroach upon it by building or by otherwise inconveniencing the traffic.

9. The conveyance of material along the roads to and from the Hai-kuan-ssu Arsenal will be permitted as heretofore.

*Police Arrests.*

As there are a number of Chinese living at present within this area, the Taotai, or Hsien, will issue warrants for the arrest of any offenders amongst them, and will send their own men to execute the warrants. The Consul, without further inquiry, will instruct the police not to interfere or hinder them in the execution of their duty.

From time to time suitable Regulations will be drawn up, and, should they affect the Chinese, the British and Chinese authorities will consult together before the Regulations are enforced.

After a period of three years, if the land has been entirely leased to foreigners, the Regulations will, as far as they concern the Chinese, be rearranged by the two authorities.

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REGULATIONS.*Boundaries and Limits. Name. Taku Road.*

1. The portion of land is bounded on the east by the Taku Road ; on the north by a line stretching from the northern boundary of the British Concession to the Wei-tzü, or Mud Wall, that is by and including the half of a road hereafter to be made in continuation of and in line with Fei-lung and Hsin Yüan Roads, and to be named Bristow Road ; on the west by the Wei-tzü, or Mud Wall ; on the south by and including a recently made road from the Hsiaoying Gate to the Taku Road, in continuation of Elgin Avenue.

The portion of land shall be called the British Municipal Extension, and shall be referred to as such in these Regulations and subsequent Bye-laws.

The Taku Road is not to be included, but the grounds, ponds, buildings, and tenements adjoining it or abutting thereon shall, for all the purposes of the Taotai's Proclamation and these Regulations and subsequent Bye-laws, be considered as part and parcel of the British Municipal Extension.

*Control of the British Authorities : Municipal Government.*

2. In addition to the administrative and sanitary powers specifically mentioned by his Excellency the Taotai in his Pro-

clamation, "Control of the British Authorities" shall be understood to include power :—

(1) To assess and tax all residents, owners, feuers and lessees under the conditions and limitations hereafter stated in these Regulations and subsequent Bye-laws.

(2) To control the traffic in the thoroughfares, roads, &c., and in times of crisis or danger to exclude all or any traffic, vehicular or personal, provided such exclusion have the approval of the British Consul.

(3) To license, control and [or] exclude hawkers, beggars, story-tellers, itinerant tradesmen, coolies, and others who ply for hire, either in person or with horses, barrows, carts, trollies, cycles, &c., power to license, control, prohibit or close inns, restaurants, tea houses, opium shops, wine shops, theatres, music-halls, or places of amusement, brothels, or other disorderly houses.

(4) To prohibit street and night noises ; to abate smoke, or other nuisance ; to control and [or] prohibit noxious manufactures or commercial processes inimical to the public health or comfort.

(5) In times of plague, pestilence, epidemics of Asiatic cholera, or other mortal disease, to inspect, to close, and, with due compensation, to destroy tenements, to remove and segregate the victims, and generally to take adequate measures for the protection of the public health.

(6) To interfere with and prosecute all persons treating animals with unnecessary cruelty ; to seize, impound and [or] destroy stray or dangerous dogs ; and to impound and exact through the intervention of the proper authorities fines for stray animals in general.

(7) To enforce a close time for the purchase and sale of game, and to issue licences for such sale.

(8) To inspect weights and measures, and to prosecute for the possession of false weights, measures, and coins.

(9) To inspect dairies, slaughter-houses, bakeries, and all shops where food is sold ; to confiscate food, if it be found adulterated or unfit for human consumption, and to prosecute the sellers ; to prohibit the entrance of food from external salesmen who refuse to submit to inspection or to take out licences, if such licences be established.

(10) To maintain special constables and constables ; to enrol and maintain volunteer corps, fire brigades, or corps for the salvage of life and property or for the protection of the public health.

(11) To control and prohibit the sale and storage of gunpowder, explosives, mineral and other oils, and likewise to control or prohibit their transit through the streets and thoroughfares ; to authorize, prohibit, or regulate the wearing or carriage of fire-arms or weapons.

(12) To raise money by loan secured by the taxes, income, or corporate property of the owners, feuers, lessees, and residents.

(13) To instal gas, water, and electric supply; tramways or other means of facilitating transit of wayfarers or goods, or to grant concessions to others to do so.

(14) To establish or subsidize schools, scholarships, markets, hospitals, bands, swimming or other baths, recreation grounds, libraries, or other institutions which are in western countries regarded as within the scope of municipal action, or which are contributive to the public good.

Provided always that the method and scope in which the said powers are intended to be exercised shall be clearly expressed in Bye-laws, which shall also clearly state the penalties and fines consequent on non-observance. Such Bye-laws, when issued *ad interim* on the sole authority of the Council hereinafter referred to, shall have the approval of the British Consul or his *locum tenens*, and shall be submitted for approval, modification, or rejection to the next general meeting of owners, lessees, and residents (referred to in Regulations IX and X).

*Consular approval.*

3. Here and hereafter in these Regulations and Bye-laws when the approval or assent of the British Consul or his *locum tenens* is referred to, and such approval or assent is not forthcoming, it shall be lawful for the Council hereinafter referred to or for a majority of the Council, or for the owners, feuers, lessees, and residents in legal general meeting to appeal to Her Majesty's Minister to China, or to his *locum tenens*, and his decision shall be final.

And further, the words " Her Majesty's Minister " and " Consul " throughout these Regulations and subsequent Bye-laws shall imply the *locum tenens* of each, if the officials referred to be sick or absent.

*Leases and Transfers : Mortgage, registration.*

4. The ownership or feu of all lots in the British Municipal Extension shall be registered in the office of the Council hereinafter referred to; and all transfers subsequent to the date of the Taotai's Proclamation shall be so registered, it being understood that for a period of three years from the date of these Regulations no charges be made to existing (31st day of March, 1897) Chinese holders, for the registration of such ownership and transfer; but after three years from the date of these Regulations, failure to register such ownership and transfer, may submit the owner, or new owner in case of transfer, to a fine not exceeding \$100 for each period of six months of non-registration.

All charges by way of mortgage, whether of a legal or equitable character, made on property in the British Municipal Extension shall be registered in conformity with existing Regulations for the mortgage of land in China; otherwise such mortgage deed shall not be allowed precedence over judgment or simple contract debts contracted before the same mortgage.

At the British Municipal Extension office accurate maps and plans shall be kept ; and such maps and plans and the land register shall be open to inspection on payment of a fee.

Before entering the name of an owner or feuer on the land register, it shall be the duty of the British Municipal Extension officials to satisfy themselves of the identity of the land in question.

Discrepancies in the actual and titular area or boundaries shall be noted in the register.

No title deed shall be registered unless it has passed through the Consulate of the nationality of the person desiring registration.

#### *Boundary-Stones.*

5. Owners, feuers, and lessees, or their representatives shall place boundary-stones to mark the limits of their lots. In cases where a portion of a lot is transferred, the portion shall likewise be defined by boundary-stones, which shall be provided by the persons or corporations concerned in the transfer. These stones shall be set up in the presence of an official of the Council hereinafter referred to.

Refusal to set up boundary-stones when called upon by the Council hereinafter referred to or its representative, shall subject the owner, feuer, lessee, or his representative, to a fine not exceeding \$25 for the original refusal or neglect, and a further fine not exceeding \$2 for each succeeding day's refusal or neglect.

The illegal and wilful placing or removal of a boundary stone shall subject the perpetrator to a fine not exceeding \$250.

#### *Land, Ponds, &c., for Roads and Public Purposes.*

6. The land, ponds, &c., which have been set aside for roads, recreation, or public advantage shall hereafter remain devoted to that purpose, and the Council hereinafter referred to, acting under the direction of the majority in legally constituted general meeting referred to in Regulations IX and X, shall have power to appropriate land, ponds, and [or] buildings necessary for the construction of new roads, public works, or public institutions, or for the extension of existing roads, works, or institutions ;

Provided always that just and equitable value be given for the lands, ponds, buildings, &c., so appropriated, and, if expedient, also compensation for disturbance be given.

Owners, feuers, or lessees who have received notice of disturbance and appropriation, and who are dissatisfied with the price, equivalent, or compensation offered by the Council, may appeal to the British Consul in Tientsin, and, failing remedy of supposed grievance, they may further appeal to Her Majesty's Minister to China, whose decision shall be final.

Should any proprietor, feuer, or lessee who is not a British subject object to the appropriation of his property, feu, or lease, or to the price, equivalent, and compensation offered for such appropriation

and disturbance, he, if a foreigner, shall notify both the British Consul and his own Consul—if a Chinese, both the British Consul and the Taotai—of his objection, so that steps may be taken to obviate the difficulty. In the event of failure to effect an adjustment suitable to both parties, the Council may decline all jurisdiction over the land, ponds, &c., in question, withdrawing from such owner, feuer, or lessee all the privileges of the British Municipal Extension as far as may be done without inconvenience to other owners, feuers, lessees, or residents.

*Use of Public Land, Institutions, &c.*

7. All land, ponds, and buildings hereafter appropriated at the public cost for the public advantage shall be devoted to the use of all owners, feuers, lessees, and residents, irrespective of nationality, provided the latter have conformed and do conform to these Regulations and subsequent Bye-laws, and to the unwritten rules of decency and public decorum.

Lands and buildings already (31st March, 1897) appropriated to special public purposes, such as the foreign recreation ground, foreign cemetery, &c., shall remain devoted to their present purposes, and shall be subject to the present (31st March, 1897) restrictions as to nationality.

It shall be within the power of the Council hereinafter referred to to exempt from taxation any property appropriated to public or charitable use.

Rights and privileges conferred on native owners, feuers, lessees, and residents shall not apply to their servants or to natives generally.

*Land Tax.*

8. Each owner, feuer, or lessee shall be responsible for the payment of the land tax to the Imperial Government of China.

*Annual Meeting of Landowners, Feuers, Lessees, and Residents.*

*Consular assent, Election of Council, Owners' Minutes, Language.*

9. The British Consul shall, in the month of January in each year, convene a general meeting of owners, feuers, lessees, and residents, or their legal representatives, giving twelve days' notice of such meeting. He, or in case of absence or sickness, his nominee, shall preside at the meeting, and, in cases of equal division, shall give a casting vote, but he shall not vote as Chairman in ordinary divisions. Notwithstanding the above, it shall be lawful for the owners, feuers, lessees, and residents in general meeting to alter the month of the annual general meeting.

This meeting shall, by the majority of the votes represented, and within the scope of the powers referred to in Regulation II :—

1. Devise ways and means for the administration of the Municipal Extension by declaring an assessment on the various kinds of

real property in the Municipal Extension ; by determining the amount and nature of all taxation ; by regulating its incidence, and by fixing the various licence fees and sums for Concessions to various Supply Associations.

2. Make Bye-laws, and approve, modify, or reject the *ad interim* Bye-laws issued by the Council (hereinafter referred to).

The assent of the British Consul shall be assumed to be given to any decision, vote, or Bye-law passed by the general meeting unless a formal veto or disclaimer be made verbally at the meeting, or be sent within seven days to the Council. No decision, vote, or Bye-law passed in such general meeting shall be valid as long as the Consular veto obtains, unless and until such veto shall have been overruled by the decision of the British Minister to China.

This meeting shall also elect by ballot, or, if a ballot be not demanded by any voter, in any other way it may determine, not less than three, and not more than nine, of its members to form a Council to carry out the decisions arrived at, and in general to administer the Municipal Extension under these Regulations and Bye-laws.

Fifteen voters, personally present, shall form a quorum of the annual general meeting.

Its proceedings shall be recorded, and a Minute-book shall be kept.

The language of this and all other general meetings shall be English. The Minutes shall also be kept, and, if expedient, published in that language.

No duly qualified native owner, feuer, lessee, or resident shall be allowed to vote at the meeting unless he understands English, or is accompanied by a competent interpreter approved by the Chairman of the meeting, who shall decide if these conditions be fulfilled.

*Other General Meetings. Presence of the Public at Meetings.*

10. The British Consul may of his own accord at any time call a general meeting of the owners, lessees, and residents ; and, seeing that it may be expedient in times of emergency that such meeting be held promptly, it is hereby enacted that he may call such meeting, either by public advertisement or by private intimation, using the most recent register of voters, and not refusing admission to or rejecting the vote of any one who is legally qualified, but who, in such emergency, has not had time to register. The notice of such meeting shall clearly state the purpose of the meeting. Unless the voting at such general meeting has been unanimous, no decision, vote, or Bye-law passed shall be valid unless and until it shall be again passed or approved at a subsequent confirmatory general meeting, provided that one-third of the voters present demand such a confirmatory general meeting. The date and method of calling



this confirmatory meeting shall be decided at the first meeting, but it shall not be less than twenty-four hours after it.

Further, the Consul shall, on the written application of a majority of the Council, or of not less than fifteen owners, feuers, lessees, and residents duly qualified to vote, and on the register, call a general meeting, giving twelve days' notice, and clearly stating the object of such meeting. The written application to the Consul shall also clearly state the object of the meeting, and, as far as possible the specific proposals to be laid before it, and these shall, as far as possible, be embodied in the agenda paper.

Unless the voting at such general meetings has been unanimous, no decision, vote or Bye-law passed shall be valid unless and until it shall be again passed or approved at a subsequent confirmatory general meeting, provided that one-third of the voters present demand such a confirmatory general meeting, to be called as provided for in a previous clause of this Regulation.

The business of such extraordinary general meetings shall be confined to the special purpose for which the meeting is called.

Every general meeting shall itself decide if the general public shall be admitted to its sessions. Provided no formal notice or objection is taken by a voter, the general public shall be assumed to be rightfully present.

(1) *Suffrage, Tenants.*

11. Every tenant of legal age, who pays an annual rental of not less than 300 taels, shall be entitled to attend the public meeting, to vote thereat, and shall be eligible to serve on the Council.

In the case of joint possession of an entire residence or business premises by several tenants or leaseholders, only one, to be chosen by such tenants, shall be allowed to vote and be eligible to serve on the Council, but the others shall have a right to be present at the general meetings.

Tenants shall not be entitled to vote as such if they already possess the suffrage for the same tenement as owner, feuer, or lessee.

No tenant shall have a vote in respect of any tenement until he shall have completed three months' tenancy; but should his title to vote be complete in respect of another tenement in the meantime vacated, he may vote in respect of the latter; such tenancies to be continuous.

No tenant vote shall be exercised (1) if the owner, lessee, or resident be in arrears for any tax or assessment in respect of that tenement; or (2) if the owner or lessee shall have refused to acquiesce in these Regulations and Bye-laws; or (3) if the tenant is in contumacy with regard to any Bye-law.

(2) *Owners, Feuers, or Lessees.*

Owners, feuers, or lessees shall be entitled to one vote for (a) every 6 *mow* of land they possess, whether the land be conjoined in

## [Land Regulations. Tientsin Extension.]

one block or separated in small parcels, provided such land be in good sanitary condition, and provided such land be without residential foreign-built houses or godowns; but the British Municipal Council shall not exercise this suffrage in respect of the roads constructed by it in the Municipal Extension until its other holdings are reduced to less than 200 *mow*; (b) every 4 or more *mow* of land they possess in one block, provided such land be in good sanitary condition, and provided such land has foreign-built residential house or houses, godown or godowns, of an aggregate rental of 300 taels per annum; (c) any smaller piece of land, provided such land be in good sanitary condition, and provided such land has a house or houses, godown or godowns, of an aggregate rental of not less than 400 taels per annum.

In the case of joint ownership, feu, or leasehold, only one individual, to be chosen by the joint owners, feuers, &c., shall be allowed to vote and be eligible to serve on the Council.

No vote shall be derived from land (1) which is, in the judgment of the Council, sanitarily inefficient; (2) about which the title or possession is in litigation or dispute; (3) of which the owner has refused to acquiesce in these Regulations, or is in contumacy with regard to any Bye-law; (4) of which the owner has refused or neglected to pay his taxes or assessment; (5) which has been transferred in the interval between the Consular notice of a meeting and the meeting; (6) on which the houses, godowns, or tenements fail to meet the requirements of the Regulations and subsequent Bye-laws as regards stability, sanitation, immunity from fire, storage of explosives, &c.

Women who are majors and duly qualified may vote, but shall not be eligible to serve on the Council.

The legally appointed agent or representative of minors, or absentees who are owners, lessees, or feuers, shall be entitled to vote and to serve on the Council.

*Proxies.*

Proxies, except in the case of sickness, shall not be allowed for any legally qualified male voter who is within the Consular district of Tientsin. In case of sickness, the notification of attendance by proxy shall be in writing, and shall be witnessed.

*Register of Voters.*

12. The British Consul shall order a register of voters to be kept in the Council offices, and shall appoint a Registrar. The Consul shall be the registering judge.

No one shall vote unless his name be on the register, except under the special circumstances referred to in the first clause of Regulation X.

*The Council : Tenure of Office, Chairmanship, Quorum.*

13. The Council shall hold office for one year, beginning on the first day of the month following that of the annual general meeting.

The Council shall elect by ballot its own Chairman ; and by ballot, or otherwise as it may determine (if a ballot be not demanded), its own Committees, officers, and servants, and shall pay such officers and servants such sums as it deems fit. It may also dismiss such officers and servants at discretion.

The Chairman shall in general be a British subject, but, notwithstanding this, it shall be permissible to the annual general meeting of owners, feuers, &c., or to the undivided Council, to obtain the consent of the British Minister to China to allow a non-British subject to become Chairman.

Three shall form a quorum, and the Chairman or his *locum tenens* shall, in cases in which the Council is equally divided, have a casting vote.

Vacancies in the Council shall be filled as they occur by the votes of the remaining Councillors.

*Council : Dismissal and Suspension of Councillors.*

14. The Council as a body shall cease to hold office (1) by the incidence of the last day of the month in which the annual general meeting is held ; (2) by a vote of censure or want of confidence passed at a general meeting or general meetings convened as in Regulation X.

In the contingency of a Council ceasing to hold office through the adverse vote of a general meeting, such meeting or the confirmatory meeting (if such be held) shall at once proceed to elect a new Council.

Councillors shall in all cases be re-eligible, provided (1) they have not been convicted in a Court of Justice of misdemeanour ; (2) that after proceedings in bankruptcy they have obtained a certificate of discharge.

No Councillor shall continue the duties of his office if he be (1) under accusation of an indictable offence ; or (2) under examination in bankruptcy.

Councillors or employés of the Council shall cease to be such (1) on being convicted in a Court of Justice of misdemeanour ; or (2) on failing to obtain a certificate of discharge after proceedings in bankruptcy.

*Proceedings of Council.*

15. The proceedings of the Council shall be recorded in the English language in a Minute Book.

*Powers of Council, Funds, and Accounts.*

16. The Council shall expend the funds placed at its disposal by the general meeting or accruing by the ordinary inflow of revenue

(1) specifically, for the objects and in the manner designated by the general meetings as far as these objects are consistent with these Regulations; (2) generally, for such purposes as are specified in the Taotai's Proclamation or in Regulation II, but only as far as such expenditure shall not exceed the sums voted by the general meeting and accruing by the ordinary inflow of revenue.

*Council : Auditor, Audit of Accounts.*

17. The annual general meeting may, at its discretion, appoint an auditor, and may also fix the amount of his remuneration; should it fail to do so, the Council shall appoint such an official, and, provided that no instruction or vote of the general meeting has been recorded on the subject, shall also fix the amount of his remuneration.

Should such auditor resign or die, or be incapacitated by absence or sickness during his year of office, the Council shall appoint another in his place.

The Council shall submit its accounts to this auditor, and the result of the audit, together with a clear statement of all receipts and disbursements and a balance sheet, shall be submitted to the annual general meeting. These shall either be advertised in the local newspapers or express agencies, or they shall be prominently and publicly exhibited at the Council Office at least three days before the annual general meeting. The accounts for each year shall be made up to the 31st December.

*Council : Power to sue, and liability to be sued.*

18. The Council shall have power, under legal process in the proper Courts, to sue for all arrears of rates, taxes, assessments, licences, fines, and all other legally imposed moneys, and to recover the same, together with such cost as the presiding officer of the Court may adjudge the offender to pay to the Council.

Similarly, the Council shall be liable to be sued, either in its corporate capacity or in the person of its recognized officers, in the British Consular Court of Tientsin, by any or by all who deem themselves injured by the acts of the Council or its officers and servants. Should such plaintiff obtain damages in such suit, these damages shall be summarily recoverable by the British Consul out of the corporate property held by the Council, or from the funds levied under these Regulations.

*Council : Private Estates of Councillors exempt from legal process.*

19. The private estates of the members of the Council and of its servants shall in no way whatever be liable for the damages and costs given to any plaintiff in suits which have their origin in the corporate action of the Council or of its recognized officers in administering these Regulations and subsequent Bye-laws.

*Council : General Powers.*

20. The Council shall collect all revenue approved by the general meetings, and all licence fees authorized by Bye-laws, whether permanent or *ad interim*. It shall also originate legal process for the payment of fines and penalties.

It shall carry into effect, at its discretion, all instructions passed under Consular approval at general meetings.

It shall in general insure the realization of all the objects mentioned in the Taotai's Proclamation and in Regulation II, and to this end it is hereby ordered that the Council, subject to the approval of the British Consul, has power to issue and enforce *ad interim* Bye-laws, and to suspend or modify existing Bye-laws. But Bye-laws thus issued, enforced, suspended, or modified shall obtain and have force only until the next general meeting, whether annual or extraordinary, when they shall be submitted to the approval of such meeting. Should this approval be refused, the *ad interim* Bye-laws and [or] the suspension and modification of existing Bye-laws shall cease to obtain or to have force.

*Ad interim* Bye-laws, or the suspension or modification of existing Bye-laws which have been disapproved by formal vote in general meeting shall not again be issued, enforced, suspended, or modified by the same Council.

*Arrest and temporary Imprisonment.*

21. Should the arrest of any person or persons within the limits of the Municipal Extension become necessary, the following procedure shall be observed :—

*(1) British Subjects.*

British subjects shall be arrested only on the warrant of the British Consul, served personally or by his constable or nominee. The British Consul may, in cases of emergency or of expected violence, command the aid of the Municipal Extension Police.

*(2) Foreigners with Consular representation.*

Foreign subjects with Consular representation in Tientsin shall be arrested only on the warrant of their own Consul, served personally or by the Consular constable, marshal, or nominee. In cases of emergency or of expected violence, this Consul may apply to the British Consul for the aid of the Municipal Police, and the British Consul may command such aid to be given.

*(3) Foreigners without Consular Representation.*

Foreign subjects with no Consular representation in Tientsin shall be arrested only on the warrant of the proper Chinese officials, served by their wei-yuans or Yamên runners, but only after such warrant has been *visé* and approved by the British Consul. He

shall then order the Municipal Extension Police, to offer no hindrance to the Chinese officers, and may order the said police to co-operate in effecting the arrest. The British Consul shall watch the subsequent proceedings, whether civil or criminal, against such prisoner in the Chinese Courts, and shall, if possible, act as Assessor. It shall also be the Consul's duty to see that the accused is tried only in the charges stated in the warrant.

(4) *Chinese.*

Chinese subjects shall be arrested only on the warrant of the proper Chinese officials, served by their wei-yuans or Yamên runners ; but such service shall not take place until after formal notification to the British Consul, who may order the Municipal Extension Police to co-operate in effecting the arrest.

Wei-yuans or Yamên runners shall not enter the Municipal Extension in the exercise of their office without (1) prior notification to the British Consul ; (2) the warrant of the proper Chinese officials.

Should a foreigner desire the arrest of a native by process of Chinese law, he shall apply to his Consul (or, having no Consul, to the British Consul) to put the Chinese law in action through the proper Chinese officials.

Notwithstanding the above, any persons found committing a flagrant offence or using violence to the danger of life or property, may be, whatever their nationality, arrested by the police of the Municipal Extension, and kept in custody.

In the case of such arrest, it shall be the duty of the Council, through its responsible officers, to notify both the British Consul and the prisoners' own national officials at the earliest convenient moment, when the latter shall at once take charge of the prisoners.

The Municipal Extension Police, in making such arrests, shall use no more violence than is absolutely necessary to insure their personal safety, and protection to life and property.

Prisoners in temporary durance shall not be maltreated, neither shall moneys nor fines be exacted from them.

*Licences, &c.*

22. No tavern, public-house, hotel, theatre, music-hall, or place of public entertainment shall be opened within the British Municipal Extension without a licence from the Council. This licence shall clearly state the conditions on which it is held. At the discretion of the Council or general meeting, a licence fee may be charged. The Council shall investigate all complaints made as to the manner in which such establishments are conducted, and, in case of such complaint being substantiated, may, at discretion, caution the licensee, cancel the licence, and [or] inflict a fine not exceeding \$100. Such caution or fine shall be indorsed on the licence, and shall weigh with the Council or its Licensing Committee on the next annual revision of licences. In such cases the licensee may appeal to the

British Consul, who, after duly notifying the Council when the case will be investigated, shall have power to annul the decision of the Council.

No licence granted for such institutions shall be regarded as a vested right or property, but the Council or its Licensing Committee shall carefully consider each year the equity of refusing to renew such licence. The British Consul shall have power to intervene, and, on deposit of the licence fee at the British Consulate, may authorize the licensee to carry on his business while appeal is being made to the British Minister to China.

The penalty of opening or keeping open such establishment without licence, or without the special authorization of the Consul, shall be a sum not exceeding \$100 for the offence, and a sum not exceeding \$10 for every day it has been or shall be continued.

*Disorderly Houses.*

23. No brothels, gambling houses, or opium dens shall, under any circumstances whatever, be allowed in the British Municipal Extension, under a penalty of \$250. The Council shall have power to close all places proved to be used as brothels, gambling houses, or opium dens, and to expel the proprietors, lessees, managers, or inhabitants from the Municipal Extension.

*Transit of Gunpowder, Explosive, or Dangerous Material.*

24. Except under licence of the Council, no vehicle laden with gunpowder, explosives, and [or] dangerous material shall be allowed to enter the British Municipal Extension under a penalty not exceeding \$50 for each offence ; nor shall the aforesaid materials be stored in compounds or godowns within the limits of the British Municipal Extension except under licence of the Council, under a penalty not exceeding \$200 for each breach of this Regulation. This penalty shall be summarily recoverable in the first place from the tenant of the compound or godown. Failing him, from the owner, if he be proved cognizant of or responsible for such unlicensed storage. Moreover, the Council shall have power to remove such material from the limits of the British Municipal Extension at the expense of the owner.

Notwithstanding the above, it shall be clearly understood that the rights and privileges of feuers, as defined in feu or other agreements issued by the British Municipal Council anterior to the date of the Taotai's Proclamation, are in no way annulled or limited by this Regulation in particular or by these Regulations in general.

*Police.*

25. The police of the British Municipal Extension shall in all cases only act as such after they have been sworn in as constables by the British Consul, and shall derive their authority solely from his warrant.

Their control and administration shall, in general, be entirely Municipal—that is, it shall be by the Council and shall not be Consular ; but notwithstanding this, it shall be lawful for the British Consul to command their service for the purposes of arrest under the conditions mentioned in Regulation XXI.

It shall be lawful for them to arrest any persons in the British Municipal Extension who may be found in the act of committing a felony, or who are breaking the peace, or are disorderly, or who, being drunk, are incapable of taking care of themselves.

In such cases they shall not maltreat the prisoners, and shall at once inform their Municipal superior officer of their procedure, and this officer shall act as in Regulation XXI.

*Buildings : Ventilation, Drainage, Sanitation, &c.*

26. The Council may from time to time make Bye-laws with respect to the structure of wall foundations, roofs and chimneys of new buildings, in order to secure stability and the prevention of fires. For the purposes of health, it may also make Bye-laws with respect to (1) the sufficiency of the space about buildings to secure a free circulation of air ; (2) the drainage, water-closets, earth-closets, privies, ash-pits, and cesspools in connection with buildings ; (3) the temporary or permanent closing of buildings or parts of buildings unfit for human habitation ; and (4) the prohibition of such buildings for habitation.

It may further provide for the observance of such Bye-laws by enacting therein provisions as to notices, deposit of plans and sections by persons intending to construct buildings, and inspection by the Council ; and the Council may remove, alter, or pull down any work begun or done in contravention of such Bye-laws. No fees shall be charged to the persons who submit plans and specifications under the provision of the said Bye-laws.

When a notice, plan, or description of any work is required by any Bye-law to be laid before the Council, the latter shall, within fourteen days after the same has been delivered, signify in writing its approval or disapproval of the intended work to the person proposing to execute the same.

When the Council incurs expenses in or about the removal of any work executed contrary to any Bye-law, it may, at discretion, recover the amount of such expenses either from the person executing the works removed, or from the person causing the works to be executed.

For the purposes of this Regulation, the re-erection of any building pulled down below the first floor, or of any frame building of which only the framework is left down to the first floor, or the conversion into a dwelling-house of any building not originally constructed for human habitation, or the conversion into more than one dwelling-house of a building originally constructed as one dwelling-house only, or the increase in height of the wall of a building, shall be considered the erection of a new building.



The contravention of these Bye-laws shall be punishable by fine, but such fine shall not exceed for any one offence the sum of \$25, or the sum of \$10 for every day during which such offence is continued.

*Proof of Regulations and Bye-laws.*

27. It shall be the duty of all owners, feuers, lessees, residents, and of others who enter the Municipal Extension, to inform themselves of the tenour of these Regulations and subsequent Bye-laws, a printed copy of which shall always be obtainable for free inspection at the offices of the Council.

Ignorance of their tenour or of the penalties for infringing them may not avail to excuse such infringement or to mitigate penalty.

The printed copy of these Regulations and subsequent Bye-laws exhibited by the Council shall be deemed conclusive evidence of their authenticity.

*Interpretation of Regulations and Bye-laws.*

28. Should there be any dispute as to the meaning or application of these Regulations and subsequent Bye-laws, the British Consul in Tientsin shall decide what meaning and application shall obtain; but appeal may be made to the British Minister to China to overrule the Consul's decision.

*Revision and Amendment of Regulations.*

29. After a period of three years from the date of these Regulations, and subsequently at intervals of ten years, the annual general meeting shall appoint a Committee to report on the amendment of and [or] addition to these Regulations. Should the Committee's suggestions be approved in general meeting, annual or extraordinary, the British Minister to China shall be memorialized to sanction such amendments and [or] additions.

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(No. 143.) *ADDITIONAL LAND REGULATIONS\* for the General Foreign Settlement at Shanghai. 3rd June, 1899.*

UNDER and in pursuance of the provisions of "The China and Japan Order in Council, 1881,"† Her Majesty the Queen has been graciously pleased to approve the three additional "Land Regulations for the General Foreign Settlement at Shanghai," of which a copy is annexed hereto.

SALISBURY.

*Her Majesty's Principal Secretary of State  
for Foreign Affairs.*

*Foreign Office,*

*June 3, 1899.*

\* See Regulations of 1869 (No. 130).

† Repealed. See Order in Council of 24th October, 1904 (No. 156), Article 169.

*Land for Public Roads.*

6A. It being expedient that the ratepayers should have fuller power than they at present possess for acquiring land for new roads, extension and widening of existing roads, extension of lands already occupied by public works and for purposes of sanitation, it is hereby agreed that they shall have the following powers in addition to, and not in substitution for, those possessed by them under Regulation VI, and the powers shall be exercised in the manner following :—

In case the land required for such public purposes shall have been acquired by foreign renters before the publication of notice that the plan referred to in that Regulation is open to inspection or shall remain in the hands of the native owners, the proprietors shall for three months after the publication of such Notice have the right to protest in writing, and, in person or by proxy, to appear and to bring evidence before the Municipal Council to show cause why such proposed roads, extension and widening of roads, or extension of the public works, or establishment of sanitary buildings or works should not be made or undertaken, and the Council shall hear and decide the matter.

After the said period of three months from such publication, and in case such protest be overruled, and in case such foreign renters or native owners, as the case may be, are unwilling to surrender to such public uses the land so required, then the Municipal Council may, after the expiry of four months and within one year from the publication of notice of such plan, apply to the Land Commissioners to be appointed as hereinafter mentioned, and the said Land Commissioners shall, after hearing the parties and calling for evidence, determine the compensation (if any) to be paid or given for the land so required and for the buildings (if any) thereon, and in respect of any tenancy of the said land and buildings respectively, taking into account the increase or decrease in value of the remainder of the property, and surrender of the land (notwithstanding the restrictive words contained in Regulation VI) on the terms of the Award and finding of the Land Commissioners, shall in case of need be enforced by the Court or Courts having jurisdiction over the owners and occupiers of the land.

The Land Commissioners shall be three in number, and shall be appointed—one by the Council not later than the 15th January in each year, and one by the registered owners of land in the Settlement who pay taxes of 10 taels per annum or upwards, and who shall vote by ballot at the Council Office on the same days as those appointed for the election of members of Council, any two land-owners qualified to vote being entitled to nominate candidates for the position by sending the names to the Council one week before the election takes place, and the Council shall cause the names of all such nominees to be exhibited in the office on the day of the poll.

If only one name be suggested, then that person shall be the Commissioner without a poll.

The third Commissioner shall be elected by Resolution of a meeting of ratepayers, any two ratepayers qualified to vote being entitled to nominate candidates for the position by sending in the names to the Council one week before any meeting of ratepayers ; and the Council shall cause the names of all such candidates to be published with the notices of motions for the meeting. Should no name be duly sent in, any qualified candidate may be proposed, seconded, and elected at the meeting.

All three Commissioners shall go into office on the day after the annual meeting of ratepayers, and go out of office on the day after the next annual meeting, except as to matters then pending before them which they shall have power to complete.

No one who is a salaried official of the Council shall be eligible as a Commissioner.

Vacancies occurring during the year shall be filled by appointment or election by the party who appointed the Commissioner whose place shall have become vacant—a special meeting of ratepayers being called if necessary.

The Commissioners shall make their Award within a month from the time they are applied to, or within such time as they or a majority of them may extend it to.

The expenses of the Land Commissioners shall be defrayed out of the public funds, the fees of the Commissioners being either regulated by the Municipal Council in accordance with the time engaged on the duties, or fixed beforehand.

#### *Railways.*

6B. In the event of the Imperial Railway Administration or any other duly authorized person or Corporation desiring to acquire land by compulsory purchase in the Settlement for the purpose of constructing a railway, the said Administration, person, or Corporation shall deliver to the Municipal Council a plan of the line showing the land required, and showing the manner in which public roads are to be dealt with, and whether they are to be crossed by bridges or on the level, and giving such other information as will enable the Council to see how public rights will be affected ; and if the Municipal Council signify their approval of the scheme, the said Administration, person, or Corporation shall be entitled to acquire the land in the same manner and subject to the same conditions as those under which the Municipal Council acquire land for public purposes. Provided that the compensation awarded shall be the fair market value of the property acquired to be ascertained by the Land Commissioners with an addition of 25 per cent. for compulsory sale and such further sums as the Court may determine to be the amount of damage (if any) caused to the remainder of the property by severance or otherwise, and the amount of the damage (if any) sustained,

by the owner or occupier for loss of business, expenses of removal, or other like causes.

*Buildings.*

30. The Council may from time to time make Rules with respect to the structure of walls, foundations, roofs, and chimneys of new buildings for securing stability and the prevention of fires and for purposes of health, with respect to the sufficiency of the space about buildings to secure a free circulation of air, and with respect to the ventilation of buildings, with respect to the drainage of buildings, to water-closets, earth-closets, privies, ashpits, and cesspools in connection with buildings, and to the temporary or permanent closing of buildings or parts of buildings unfit for human habitation, and to prohibition of their use for habitation. And they may further provide for the observance of such Rules by enacting therein provisions as to notices, as to the deposit of plans and sections by persons intending to construct buildings, and as to inspection by the Council; and the Council may remove, alter, or pull down any work begun or done in contravention of such Rules or of any bye-law of the Council. Provided always that no such Rules shall come into operation until they have been submitted to the Land Commissioners for their opinion, though they shall not be subject to their veto, and until six months after publication.

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(No. 144.) *ORDER IN COUNCIL* revoking Article 4 of the Order of October 20, 1898, providing for the Jurisdiction of Chinese Officials in Kowloon. Windsor, 27th December, 1899.

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At the Court at Windsor, the 27th day of December, 1899.

PRESENT : THE QUEEN'S MOST EXCELLENT MAJESTY.

His Royal Highness the Duke of Connaught and Strathearn.

Mr. Balfour.

Mr. Ritchie.

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WHEREAS by a Convention, dated the 9th June, 1898 (No. 24), between Her Majesty and His Imperial Majesty the Emperor of China, it was provided that the limits of British territory in the regions adjacent to the Colony of Hong Kong should be enlarged under lease to Her Majesty in the manner described in the said Convention,

And whereas by an Order of Her Majesty in Council, dated the 20th October, 1898 (No. 141), it was, amongst other things, ordered that the territories within the limits and for the term described in the said Convention should be, and the same were thereby declared to be, part and parcel of Her Majesty's Colony of Hong Kong, in like manner and for all intents and purposes as if they had originally

formed part of the said Colony, and it should be competent for the Governor of Hong Kong, by and with the advice and consent of the Legislative Council of the said Colony, to make laws for the peace, order, and good government of the said territories as part of the Colony,

And whereas by Article 4 of the said Order in Council it was provided that, notwithstanding anything in the said Order in Council contained, the Chinese officials at the date of the said Order in Council stationed within the city of Kowloon should continue to exercise jurisdiction therein except in so far as might be inconsistent with the military requirements for the defence of Hong Kong,

And whereas the exercise of jurisdiction by the Chinese officials in the city of Kowloon having been found to be inconsistent with the military requirements for the defence of Hong Kong, it is expedient that Article 4 of the said Order in Council should be revoked, and that the Chinese officials within the city of Kowloon should cease to exercise jurisdiction therein, and that the said city of Kowloon should become part and parcel of Her Majesty's Colony of Hong Kong for all purposes during the continuance of the term of the lease in the said Convention mentioned :

Now, therefore, Her Majesty is pleased, by and with the advice of her Privy Council, to order, and it is hereby ordered, as follows :—

1. Article 4 of the Order of Her Majesty in Council of the 20th October, 1898, is hereby revoked, without prejudice to anything lawfully done thereunder.

2. The city of Kowloon shall be, and the same is hereby declared to be, for the term of the lease in the said Convention mentioned part and parcel of Her Majesty's Colony of Hong Kong, in like manner and for all intents and purposes as if it had originally formed part of the said Colony.

3. The provisions of the said Order in Council of the 20th October, 1898, shall apply to the city of Kowloon in like manner as if the said city had by the said Order in Council been declared to be part and parcel of Her Majesty's Colony of Hong Kong.

And the Right Honourable Joseph Chamberlain, one of Her Majesty's Principal Secretaries of State, is to give the necessary directions herein accordingly.

A. W. FITZROY.

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(No. 145.) *REGULATION amending the Tientsin British Concession Local Land Regulations of 1866. Peking, 22nd July, 1901.*

WHEREAS by the "China and Japan Order in Council, 1881" \* it is amongst other things provided that "Her Majesty's Minister

\* Repealed. See Order in Council of 24th October, 1904 (No. 156), Article 169.

may from time to time, subject and according to the provisions of this Order, make such Regulations as to him seem fit for the peace, order, and good government of British subjects resident in or resorting to China," and also that he may "make any Regulation under this order extend either throughout China or to some one or more only of the Consular districts in China," and also that he the said Minister may by any Regulation made under the said order "repeal or alter any Regulation made under the China and Japan Order in Council, 1865,"

And whereas certain Regulations for the peace, order, and good government of Lessees of Land and of all persons being within the limits of the British Concession (therein referred to as the British Settlement) at Tientsin and also for the peace, order, and good government of all British subjects within the Consular District of Tientsin known as the Tientsin Local Land Regulations and General Regulations were on the 26th day of November, 1866 (No. 125), duly made by Sir Rutherford Alcock, then Her Majesty's Minister in China,

And whereas by the said Regulations provision was made for the raising of requisite funds for the better order and good government of the said Concession and for the assessment and levy of certain rates, taxes and dues as therein provided,

And whereas it is expedient by Regulation to empower the land renters in the said Concession in public meeting assembled to devise ways and means for the conservancy and improvement of the river Pei-ho and other water approaches to the said Concession by the assessment and levy of further rates, taxes and dues as hereafter provided,

And whereas it seems further to be urgently required that such Regulation should have effect unless and until disapproved of by His Majesty,

Be it therefore ordered that a Regulation in the words and figures following be added to the said Tientsin Local Land Regulations, and further that such Regulation shall be binding upon the same persons and of like force and validity as the said Regulations.

*Wharfage Dues for Pei-ho Conservancy and Local Waterways.*

7A. At such annual general meeting it shall be competent to said renters or a majority of them duly assembled in order to provide ways and means for the conservancy and improvement of the river Pei-ho and other local waterways to impose and levy (in addition to the rates, taxes and dues by Regulation VII provided for) upon all goods and merchandise landed, shipped or trans-shipped at any place within the limits of the said Settlement, wharfage dues not exceeding :—

On foreign imports and native exports (save as hereafter provided) 2 per cent. on full duty, *i.e.*, taels 2 per taels 100 full duty.

July 24, 1901.]

GREAT BRITAIN.

[No. 146.

[Jurisdiction. Wei-hai-Wei.]

On native imports (save as hereafter provided), 4 per cent. on half duty, *i.e.*, tael 2 per tael 100 full duty.

On green and black tea, tael 0·025 per tael 100 full duty.

On green and black tea in transit to Russia, tael 0·006 per picul.

On brick tea, tael 0·008 per picul.

On brick tea in transit to Russia, tael 0·004 per picul.

On opium, tael 0·600 per picul.

Provided always that all goods, stores or material so landed shipped or trans-shipped, being *bona fide* property of or intended for the use of the Chinese Government or any Treaty Power shall be free of such wharfage dues.

ERNEST SATOW.

*His Majesty's Envoy Extraordinary and  
Minister Plenipotentiary.*

Given under my hand and seal of office at Peking, China, this 22nd day of July, 1901.

L. S.

(No. 146.) ORDER IN COUNCIL respecting British Jurisdiction at Wei-hai-Wei. London, 24th July, 1901.\*

ARRANGEMENT OF ARTICLES.

PART I.—Preliminary.

Article.	Page.
1. Limits of Order .. .. .	754
2. Interpretation .. .. .	754

PART II.—Administrative and Legislative.

3. Office of Commissioner .. .. .	755
4. Public seal .. .. .	755
5. Grants of land .. .. .	756
6. Pardon .. .. .	756
7. Remission of penalties .. .. .	756
8. Power to appoint and suspend officers .. .. .	756
9. Ordinances .. .. .	756
10. Publication of Ordinances, &c. .. .. .	756
11. Provision as to Wei-hai-Wei city .. .. .	757

PART III.—Judicial.

12. High Court .. .. .	757
13. Judge .. .. .	757
14. Magistrates .. .. .	757
15. Officers .. .. .	757
16. Jurisdiction of High Court .. .. .	757
17. Sittings of High Court .. .. .	757
18. Jurisdiction of Magistrates .. .. .	757
19. Law and procedure .. .. .	758
20. Assessors in native cases .. .. .	758

\* "London Gazette," 26th July, 1901. Laid before both Houses of Parliament, in pursuance of the Foreign Jurisdiction Act, 1890 (Section 11. See page 705), 1st August, 1901.

## [Jurisdiction. Wei-hai-Wei.]

PART IV.—*Criminal Matters.*

Article.	Page.
21. Punishments .. .. .	758
22. Commencement of prosecution .. .. .	759
23. Proceedings on appearance .. .. .	759
24. Summary trial on complaint .. .. .	759
25. Preliminary examination .. .. .	760
26. Charges .. .. .	761
27. Bail .. .. .	761
28. Damages for assault .. .. .	761
29. Adjournments .. .. .	761
30. Search warrants .. .. .	762
31. Execution of warrants .. .. .	762
32. Sentence of death .. .. .	762
33. Expenses of prosecution .. .. .	762
34. Appeal to High Court .. .. .	762
35. Appeal to Supreme Court .. .. .	762
36. Limitation of power of Supreme Court .. .. .	763
37. No appeal to the King in Council except by leave .. .. .	763
38. Prisons .. .. .	763
39. Imprisonment beyond limits of Order .. .. .	764
40. Fugitive offenders .. .. .	764
41. Offences on high seas, &c. .. .. .	764
42. Offences at sea within 100 miles of coast .. .. .	764
43. Detention of ship .. .. .	765
44. Insults to religions .. .. .	765
45. Offences against peace and order .. .. .	765
46. Deportation .. .. .	766
47. Inquests .. .. .	766

PART V.—*Civil Matters.*

48. Civil proceedings by action .. .. .	767
49. Summary trial of actions .. .. .	767
50. Sittings of Court .. .. .	767
51. Commencement by summons .. .. .	767
52. Action book .. .. .	767
53. Duration of summons .. .. .	767
54. Non-prosecution of action .. .. .	768
55. Particulars .. .. .	768
56. Pleadings .. .. .	758
57. Evidence .. .. .	768
58. Discretion of Court as to practice .. .. .	768
59. Costs .. .. .	768
60. Orders of Court .. .. .	768
61. Arrest of ships .. .. .	769
62. Submission to arbitration .. .. .	769
63. Bankruptcy .. .. .	769
64. Admiralty jurisdiction .. .. .	769
65. Lunacy .. .. .	770
66. Matrimonial jurisdiction .. .. .	770
67. Probate and administration .. .. .	770
68. Conditions of right to appeal .. .. .	770
69. Time for appeal .. .. .	771
70. Execution pending appeal .. .. .	771
71. Appeal papers to be filed .. .. .	771
72. Respondent's papers .. .. .	771
73. Transmission of documents .. .. .	771
74. Powers of Supreme Court after transmission of appeal .. .. .	772
75. Day of hearing appeal .. .. .	772
76. Presence of parties .. .. .	772
77. Decision on appeal .. .. .	772
78. Notices of appeal .. .. .	773
79. Rules of Court for appeal to Supreme Court .. .. .	773
80. Appeal to King in Council .. .. .	773



PART VI.—*Miscellaneous.*

Article.	Page.
81. Land Commission .. .. .	773
82. Admiralty waters .. .. .	773
83. Rules of Court .. .. .	774
84. Reports to Secretary of State.. .. .	774
85. Repeal of Orders .. .. .	774
86. Commencement of Order .. .. .	774
87. Short title .. .. .	774

At the Court at Saint James's, the 24th day of July, 1901.

PRESENT : THE KING'S MOST EXCELLENT MAJESTY.

Lord President.	Lord James of Hereford.
Marquess of Cholmondeley.	Lord Pauncefote.
Viscount Cromer.	Lord Milner.
Lord Chesham.	Mr. Cecil Rhodes.

WHEREAS it is expedient to make provision for the exercise of the power and jurisdiction vested by Treaty in His Majesty the King in and over the parts of China within the limits of this Order :

Now, therefore, His Majesty, by virtue of the powers in this behalf by "The Foreign Jurisdiction Act, 1890" (No. 135) and otherwise in him vested, is pleased by and with the advice of His Privy Council to order, and it is hereby ordered, as follows :—

PART I.—*Preliminary.*

1. The limits of this Order are the Island of Liu Kung, all the islands in the Bay of Wei-hai-Wei, and a belt of land 10 English miles wide along the entire coast line of the Bay of Wei-hai-Wei as has been or shall be hereafter delimited, including the territorial waters of the said islands and coast.

Provided that if, and whensoever, any delimitation of territory is agreed upon between His Majesty's Government and the Government of China, whether the same extends or diminishes such belt of ten miles, the Commissioner shall by proclamation give public notice thereof, and thereupon the limits described in such proclamation shall be the limits of this Order.

All territories and places within the limits of this Order are in this Order referred to as "the said territories."

2. In this Order :—

"Secretary of State" means one of His Majesty's Principal Secretaries of State.

"Judge" includes Acting Judge and also the Commissioner or Acting Commissioner, when sitting as Judge.

"Supreme Court" means His Majesty's Supreme Court for Hong Kong.

"Native" means any person of Chinese birth or parentage, not being a British subject.

"Master" with respect to any ship includes any person (except a pilot), having command or charge of that ship.

"Month" means calendar month.

"Oath" and "affidavit" in case of persons for the time being allowed by law to affirm or declare, instead of swearing, include affirmation and declaration, and the expression "swear" in like case, includes affirm and declare.

"Offence" includes crime and any act or omission punishable criminally in a summary way or otherwise.

"Ship" includes any vessel used in navigation, however propelled, with her tackle, furniture, and apparel, and any boat or other craft.

Expressions used in any ordinances, rules, regulations, or orders made under this Order shall, unless a contrary intention appears, have the same respective meanings as in this Order.

Words importing the plural or the singular may be construed as referring to one person or thing, or to more, and words importing the masculine as referring to the feminine (as the case may require).

## PART II.—*Administrative and Legislative.*

3.—(1) There shall be a Commissioner (hereinafter referred to as the Commissioner) in and over the said territories, and the person who shall fill the said office of Commissioner shall be from time to time appointed by Commission under His Majesty's Sign Manual and Signet.

(2) In the event of the death, incapacity, removal, or absence from the said territories of the Commissioner for the time being, all and every the powers and authorities by this Order granted to him shall, until His Majesty's further pleasure is signified therein, be vested in such person as may be appointed to administer the same by any instrument under His Majesty's Sign Manual and Signet, or, if there be not in the said territories any person so appointed, then in the Senior Military Officer for the time being in command of His Majesty's forces within the said territories.

(3) The Commissioner shall administer the Government of the said territories in the name and on behalf of His Majesty, and shall do and execute in due manner all things that shall belong to the trust thereby reposed in him, according to the several powers and authorities granted or appointed to him by virtue of this Order and of his Commission, and according to such instructions as may from time to time be given to him under His Majesty's Sign Manual and Signet, or by Order of His Majesty in Council, or by His Majesty through a Secretary of State, and according to such laws as are or shall hereafter be in force in the said territories.

4. The Commissioner shall have an official seal, bearing the style of his office, and such device as a Secretary of State from time to time approves, and such seal shall be deemed the public seal of the said territories, and may be kept and used by the Commissioner for the sealing of all things whatsoever that shall pass the public

seal. And, until a public seal shall be provided, the seal of the Commissioner may be used as the public seal.

5. The Commissioner may make and execute in His Majesty's name and on his behalf, under the public seal, grants and dispositions of any lands which may be lawfully granted or disposed of by His Majesty within the said territories.

6. The Commissioner may, as he shall see occasion, in His Majesty's name and on his behalf, grant to any offender convicted of any crime in any Court or before any Judge or Magistrate within the said territories a free and unconditional pardon, or a pardon subject to such conditions as may be lawfully thereunto annexed, or any respite of the execution of the sentence of any such offender for such period as to him may seem fit.

7. The Commissioner may, as he shall see occasion, in His Majesty's name and on his behalf, remit any fines, penalties, or forfeitures which may accrue or become payable to His Majesty.

8. A Secretary of State or the Commissioner, subject to the directions of a Secretary of State, may, on behalf of His Majesty, appoint, for the administration of the said territories, such public officers under such designations as he may think fit, and may prescribe their duties.

The Commissioner may, upon sufficient cause to him appearing, suspend from the exercise of his office within the said territories any person exercising the same, which suspension shall continue and have effect only until His Majesty's pleasure therein shall be made known and signified to the Commissioner. And, in proceeding to any such suspension, he shall observe the directions in that behalf given to him by such instructions as may hereafter be addressed to him by a Secretary of State.

9.—(1) The Commissioner may make and proclaim Ordinances for the peace, order, and good government of the said territories and of all persons within the same.

(2) Under this Article any of the Laws and Ordinances of Hong Kong may be applied to the said territories with such modifications and adaptations as circumstances may require.

(3) Every such Ordinance shall forthwith be transmitted to the Secretary of State unless it has been previously approved by him.

(4) Every such Ordinance shall, from and after the Proclamation thereof, or such other date as may be fixed by the Ordinance, have the force of law, unless the disallowance of such Ordinance by His Majesty shall, within the space of one year after such Proclamation, be signified to the Commissioner by the Secretary of State.

(5) Every Ordinance which shall be disallowed by His Majesty shall cease to be of any force or effect so soon as the disallowance thereof shall be published by the Commissioner.

10. Every Ordinance, Proclamation or other public notification under this Order shall be published in such manner as the Commissioner may direct.

11. Anything in this Order to the contrary, notwithstanding, all natives resident within the walled city of Wei-hai-Wei shall continue to be under the jurisdiction of Chinese officials except so far as such jurisdiction may be inconsistent with the naval and military requirements of His Majesty, or with the peace, order, and good government of the said territories.

PART III.—*Judicial.*

12. There shall be and there is hereby established in and for the said territories a Court styled His Majesty's High Court of Wei-hai-Wei, in this Order referred to as "the Court."

Until a Judge is appointed, the High Court shall be held and constituted by the Commissioner, and thereafter by the Commissioner or the Judge, or by both sitting together.

The High Court shall be a Court of Record.

13. His Majesty may from time to time appoint a Judge under His Sign Manual.

He shall be a member of the Bar of England, Scotland, or Ireland.

In case of the illness of the Judge, or of his absence from the said territories or from the place where the High Court usually sits, or in any other emergency, the Commissioner may temporarily appoint a person who has held judicial office in His Majesty's service, or otherwise has legal knowledge and experience, to be Acting Judge.

14.\*—(1) The Secretary of State may appoint for any district or districts of the said territories a Magistrate or Magistrates, each of whom shall hold a Court.

(2) The Court of a Magistrate is in this Order included in the term "the Court," unless the context implies a reference to the High Court only.

15. Subject to the directions of the Secretary of State, and to the provisions of this Order, the Commissioner may from time to time appoint such and so many persons to be registrars, clerks, bailiffs, interpreters, and other officers of the Court as he thinks fit, and may prescribe their duties, and may remove from office any person so appointed.

16. All jurisdiction, criminal and civil, over all persons and in all cases respectively being and arising within the territories, shall, subject to and according to the provisions of this Order, be vested in the High Court.

17. The High Court may sit at any place in the said territories as occasion requires.

18. The whole or any part of the jurisdiction and authority of the High Court for or in respect of any district may, subject to the provisions of this Order, and of any Ordinance made thereunder, be exercised by the Magistrate (if any) appointed to act for that district and being therein.

\* See Order in Council of 12th March, 1903 (No. 152).

Provided as follows :—

(1) The High Court shall have concurrent jurisdiction in every such district, and may order any case, civil or criminal, pending before a Magistrate to be removed into the High Court, whether sitting in the district or elsewhere :

(2) A Magistrate, unless he is a European British subject, shall not have jurisdiction to hear or determine any case in which any accused person or defendant is not a native.

19. Subject to the other provisions of this Order the criminal and civil jurisdiction of the Court shall, as far as circumstances admit, be exercised on the principles of and in conformity with the Statute Law and other law for the time being in force in England, and with the procedure and practice of Courts of Justice and Justices of the Peace in England, according to their respective jurisdiction and authority.

For the purpose of facilitating the application of such Statute Law, the Court may construe any enactment with such alterations and modifications not affecting the substance as may be necessary to meet the circumstances of the said territories.

Except as regard acts which are or may be made offences by this or any other Order in Council applying to the said territories, or by any laws or regulations made thereunder, such acts only as would be offences if committed in England shall be deemed to be offences rendering the person committing the same liable to punishment.

Provided that in civil cases between natives the Court shall be guided by Chinese or other native law and custom, so far as any such law or custom is not repugnant to justice and morality.

Subject to the provisions of this Order and of any Ordinance made under this Order, the High Court may make rules of Court with respect to procedure in all criminal and civil matters in the High Court and in Magistrates' Courts.

20.—(1) When a native is a party to any case, criminal or civil, the Court, if it thinks fit, may try the case with two assessors.

(2) An assessor shall be a native having a competent knowledge of Chinese law and custom, nominated and summoned or requested by the Court to act as assessor.

(3) An assessor shall not have any voice in the decision of the Court, but his opinion, whether consenting or dissenting, shall be recorded in the Minutes.

#### PART IV.—*Criminal Matters.*

21.—(1) The High Court may award any such punishment as may be awarded by any Court of criminal jurisdiction in England for the time being.

(2) Subject to the maximum penalties provided by law, a Magistrate shall not award imprisonment, with or without hard labour, exceeding a term of twelve months, nor any fine exceeding \$400.

(3) A magistrate shall not try any of the following offences : Treason, murder, rape, forgery, and perjury ; nor, except by direction of the High Court in writing, any offence punishable with penal servitude for seven years or upwards. Such direction may be given in any case after the accused is committed for trial before the High Court, if the High Court is of opinion that the offence will be adequately punished with such punishment as the Magistrate has power to award.

22.—(1) A criminal prosecution is commenced by a complaint made to the Court, or by the issue of a summons or warrant by the Court of its own motion.

(2) For the issue of a summons the complaint need not be on oath, unless the Court so requires.

(3) A warrant may be issued if the complaint is in writing and on oath, or if the accused person does not appear on a summons, and it is proved that the summons has been served or cannot be served.

(4) On receiving a complaint, whether on oath or not, the Court may, if it is of opinion that the complaint discloses no offence, or is otherwise unsubstantial, decline to issue any summons or warrant.

(5) An accused person arrested on warrant shall be brought before the Court within forty-eight hours after arrest unless exceptional circumstances prevent his being so brought, and the complaint shall be heard as soon thereafter as circumstances reasonably admit. Due notice of the time and place of hearing shall be given to the prosecutor (if any), and summonses issued to the witnesses, if any.

23.—(1) When the accused is before the Court, and the prosecutor has had notice of the time and place appointed for the hearing of the complaint, but does not appear, the Court, unless it thinks fit, to adjourn the hearing, shall dismiss the complaint ;

(2) If both parties are present the Court shall proceed to hear the complaint ; and

(a) If the offence is legally punishable, or if the Court thinks it would be adequately punished, with imprisonment not exceeding six months, or with fine not exceeding \$100, the case shall be tried summarily on the complaint ;

(b) Otherwise, the Court shall take the depositions of the prosecutor and witnesses with a view to determining whether the accused shall be tried on a charge.

(3) The following offences are not triable summarily, that is to say : treason, murder, rape, arson, housebreaking, robbery with violence, forgery, and perjury.

24. At a summary trial the substance of the complaint shall be stated to the accused, and he shall be asked if he admits or denies the truth of the complaint. If he admits, the Court may convict him and award punishment, but may first take further evidence if it thinks fit. If he denies, the Court shall hear the evidence of the

prosecutor and witnesses, and of the witnesses, if any, for the accused, and either discharge the accused or convict him and award punishment.

25.—(1) At the preliminary examination of a case which must be, or may in the opinion of the Magistrate require to be, sent for trial to another Court, the procedure shall be as follows :—

(a) The Court shall, in the presence of the accused, take the depositions on oath of those who know the facts and put them in writing ;

(b) The accused may cross-examine each witness for the prosecution, and the witness's answers shall form part of his deposition ;

(c) The deposition of each witness shall be read over to the witness and signed by him.

(d) After the evidence of the witnesses for the prosecution has been taken, the Court shall ask the accused if he wishes to make any statement or has any witnesses to call, or other evidence to adduce in his defence, and the Court shall then take his statement and the evidence of his witnesses (if any) ;

(e) The accused shall be informed that any statement he may make may be used against him at the trial, and also that he may be sworn as a witness himself ;

(f) The Court having heard all the evidence, shall consider the whole matter, and if he thinks that a *primâ facie* case is made out against the accused, shall cause a charge, on which the accused is to be put on his trial, to be framed, and read over to the accused.

(g) The Court shall bind by recognizance the prosecutor and every witness to appear at the trial and give evidence ;

(h) If a person refuses to enter into a recognizance, the Court may send him to prison, there to remain till the trial, unless in the meantime he enters into recognizance ;

(i) Until the trial the Court shall either admit the accused to bail, or send him to prison for safe keeping ;

(j) The accused shall be entitled to a copy of the charge on which he is to be tried ;

(k) The complaint (if any), the depositions, the statement of the accused (if any), the charge on which the Court orders him to be tried, and the recognizances shall be carefully transmitted to the Court before which the trial is to take place.

(2) At the preliminary examination of a case which may be tried on a charge before the same Court, the procedure above described may be varied as follows :—

After hearing so much evidence as is in the opinion of the Court sufficient to raise a strong presumption against the accused and to enable the Court to frame a charge, the Court may proceed to frame a charge and appoint a day for the trial.

(3) When an accused person is arrested in one district in respect of an offence committed in another district, the preliminary examination may be commenced in the district in which the accused is

arrested. In this case any depositions taken shall be transmitted, with the accused, to the Court of the district in which the offence was committed.

26.—(1) The charge upon which an accused person is tried shall state the offence, with such particulars as to the time and place of the alleged offence, and the person (if any) against whom or the thing (if any) in respect of which it was committed, as are reasonably sufficient to give the accused notice of the matter with which he is charged.

(2) There shall be a separate charge for each offence, and every charge shall be tried separately, but if the acts form one transaction, or if the offences are of the same kind, the charges may be tried together, if the Court thinks fit.

(3) When more persons than one are accused of the same offence, or of different offences committed in the same transaction, or where one is accused of committing an offence and another with abetting or attempting to commit that offence, they may be charged and tried together or separately, as the Court thinks fit.

(4) The Court may alter any charge at any time, but if the alteration is likely to prejudice the accused or the prosecutor, the Court may adjourn the trial for such time as may be necessary.

(5) No error or omission in stating the offence or the particulars shall be regarded as material unless the accused was misled by the error or omission.

(6) When a person is charged with an offence, and the evidence proves either the commission of a minor offence or an attempt to commit the offence charged, he may be convicted of the minor offence or the attempt.

(7) For the purposes of the application of any statute law, a charge framed under the provisions of this Order shall be deemed to be an indictment.

27. The Court may, at any stage of the prosecution, in its discretion, admit to bail a person charged with any felony, riot, or assault, but a person charged with murder shall not be admitted to bail except by or by direction of the High Court.

In all other cases the Court shall admit the accused to bail unless the Court sees good reason to the contrary.

The High Court may admit a person to bail although a Magistrate has not thought fit to do so.

28. The Court may, if it thinks fit, order a person convicted of an assault to pay to the person assaulted, by way of damages, any sum not exceeding \$50.

Damages ordered to be paid may be either in addition to or in lieu of a fine, and shall be recoverable in like manner as a fine.

Where such damages are ordered an action cannot be brought for the assault.

29. The Court may, from time to time, postpone or adjourn any trial if it considers it necessary to do so in the interests of justice.



During the postponement or adjournment the accused may be committed to prison for safe custody, or admitted to bail or suffered to go at large, as the Court thinks fit.

30. Where there is reasonable cause to suspect that anything, by, or in respect of which any offence cognizable by the Court has been committed, is in any house or place within the jurisdiction of the Court, the Court may, by a search warrant, authorize an officer of the Court to search the house or place, and, if anything searched for be found, to seize it and bring it before the Court for adjudication.

31. A warrant for apprehension or a search warrant may be issued and executed on any day at any time.

32. A sentence of death shall not be carried into effect unless confirmed by the Commissioner.

For this purpose, when the trial has been held by the Judge, he shall transmit his notes, or a copy thereof, and a report on the case to the Commissioner.

The Commissioner may commute the sentence to such punishment as he thinks proper in the circumstances, or may pardon the convict.

33. The Court may order a person convicted before it to pay all or a part of the expenses of the prosecution, the amount to be specified in the Order.

The Court may, when it thinks a prosecution is vexatious or frivolous, order the complainant to pay all or a part of the expenses of the prosecution and of the accused, the amount being specified in the Order.

In both cases the Court may order that the whole or such portion as the Court thinks fit of the expenses so paid be paid over to the complainant, or the accused, as the case may be.

34.—(1) When a person is convicted before a Magistrate, and the punishment imposed is a fine of \$100 or upwards, or imprisonment for three months or upwards, he may appeal to the High Court.

(2) The Magistrate shall postpone the execution of the sentence pending the appeal and shall, as on a remand, either commit the person convicted to prison for safe custody, or admit him to bail, or take security for the payment of the fine (if any).

(3) The Magistrate shall frame a statement setting out the facts and the grounds of the conviction and sentence, and any question of law, and any objections alleged by the person convicted, and transmit the same, together with the notes of the evidence and any documents adduced in evidence, to the High Court.

(4) The High Court shall either affirm or annul the conviction or amend it, or affirm or annul the sentence or vary it, or rehear the case itself, or order a rehearing before the Magistrate, giving all necessary and proper directions.

35.—(1) In each of the following cases, namely :—

(i) Where a person is convicted before the High Court, or his conviction before a Magistrate is affirmed by the High Court, and the

person so convicted declares his desire to appeal to the Supreme Court on any question of law affecting the conviction or sentence ; or

(ii) Where the High Court thinks fit to reserve for the judgment of the Supreme Court any question of law arising on the trial,—

The High Court shall frame a statement setting out the facts, and the grounds of the conviction and sentence, and the question or questions of law raised by the person convicted or by the High Court.

(2) The High Court shall annex to that statement certified copies of the summons, indictment (if any), and proceedings, and of all documentary evidence admitted or tendered, and appearing to that Court to be material, and the depositions, the notes of the oral testimony, any statement or objections to the conviction or sentence made by the person convicted, and any argument thereon that he desires to submit to the Supreme Court, and a note of the reasons why any tendered evidence which is not transmitted appears to the Court to be immaterial.

(3) The High Court shall forthwith send the statement and its annexes to the Supreme Court.

(4) The High Court shall postpone the execution of the sentence pending the appeal, and shall, as on a remand, either (if necessary) commit the person convicted to prison for safe custody, or admit him to bail, with or without security, by recognizance, deposit money, or otherwise.

(5) The Supreme Court shall hear and finally determine the matter, after considering the statement of the High Court, and hearing publicly any argument offered on behalf of the prosecution, or of the person convicted.

(6) The Supreme Court may require the High Court to make any amendment in or addition to its statement or the annexes thereto.

(7) The judgment of the Supreme Court shall be delivered publicly.

(8) The Supreme Court shall either affirm or annul the conviction, or amend it, and shall either affirm or annul the sentence or vary it, and shall give all necessary and proper consequential directions.

36. The Supreme Court shall not annul a conviction or sentence, or vary a sentence, on the ground—

(i) Of any objection which, if stated during the trial, might, in the opinion of the Supreme Court, have been properly met by amendment, by the High Court ; or

(ii) Of any error or informality which, in the opinion of the Supreme Court, did not affect the substance of the case or subject the appellant to any undue prejudice.

37. There shall be no appeal in a criminal case to His Majesty the King in Council from a decision of the Supreme Court, except by special leave of His Majesty in Council.

38. The Commissioner may by general order prescribe the manner in which and the prisons in which punishments are to be

carried into execution, and may make rules for the government of the prisons and of all persons therein.

39.—(1) When an offender is sentenced to imprisonment and the High Court thinks it expedient that the sentence be carried into effect within His Majesty's dominions, the place shall be either Hong Kong or a place in some other part of His Majesty's dominions the Government whereof consents that offenders may be sent thither under this Article.

(2) The High Court may, by warrant under the hand of the Judge, cause the offender to be sent to such place as aforesaid, in order that the sentence may be carried into effect accordingly.

(3) The warrant shall be sufficient authority to any person to whom it is directed to receive and detain the person named therein, and to carry him and deliver him up at the place named, according to the warrant.

40. "The Fugitive Offenders Act, 1881" and "The Colonial Prisoners Removal Act, 1884" shall apply to the said territories as if they were part of His Majesty's dominions, subject as follows :—

(a) The Commissioner is hereby substituted for the Governor or Government of a British possession ;

(b) The High Court is hereby substituted for a Superior Court, and for a Magistrate of a British possession ;

(c) For the purposes of the said Act of 1881, and of this Article in relation thereto, the said territories and Hong Kong shall be deemed to be one group of British possessions.

41.—(1) In cases of murder or manslaughter if either the death, or the criminal act which wholly or partly caused the death, happened within the said territories, the High Court shall have the like jurisdiction over any person who is charged either as the principal offender, or as accessory before the fact to murder, or as accessory after the fact to murder or manslaughter, as if both the criminal act and the death had happened within that jurisdiction.

(2) In the case of any offence committed on the high seas, or within the Admiralty jurisdiction, by any person on board a British ship, or by any British subject on board a foreign ship to which he did not belong, the High Court shall, subject to the provisions of this Order, have jurisdiction as if the offence had been committed within the said territories. In cases tried under this Article no different sentence can be passed from the sentence which could be passed in England if the offence were tried there.

(3) The foregoing provisions of this Article shall be deemed to be adaptations, for the purposes of this Order and of "The Foreign Jurisdiction Act, 1890," of the following enactments, that is to say :—

"The Admiralty Offences (Colonial) Act, 1849."

"The Admiralty Offences (Colonial) Act, 1860."

"The Merchant Shipping Act, 1894," Section 686.

42. When a British subject, being within the said territories,

is accused of having committed any offence on board a British or Chinese ship at a distance of not more than one hundred miles from the coast of China, or on board a ship not lawfully entitled to claim the protection of the flag of any State at such a distance as aforesaid, he may be apprehended, charged, and tried, in like manner as if the offence had been committed within the said territories.

The High Court, on receiving satisfactory information that any soldier, sailor, marine, or other person belonging to any of His Majesty's naval or military forces has deserted therefrom, and has concealed himself in any British ship at such distance as aforesaid, may issue a warrant for the search for and apprehension of such deserter, and, on being satisfied on investigation that any person so apprehended is such a deserter, shall cause him to be, with all convenient speed, taken and delivered over to the officer in command of a vessel of war of His Majesty, or to the nearest military station of His Majesty's forces.

43. Where the High Court issues a summons or warrant against any person on a charge of an offence committed on board of or in relation to any ship, other than a ship enjoying immunity from civil process, then, if it appears to the Court that the interests of public justice so require, that court may issue a warrant or order for the detention of the ship, and may cause the ship to be detained accordingly, until the charge is heard and determined, and the Order of the Court thereon is fully executed, or for such shorter time as the Court thinks fit; and the Court shall have power to make all such orders as appear to it necessary or proper for carrying this provision into effect.

44. If any person—

(i) Publicly derides, mocks, or insults any religion established or observed within the said territories; or

(ii) Publicly offers insult to any religious service, feast, or ceremony, or to any place of worship, tomb, or sanctuary belonging to any religion established or observed within the said territories, or belonging to the ministers or professors thereof; or,

(iii) Publicly and wilfully commits any act tending to bring any religion established or observed within the said territories, or its ceremonies, mode of worship, or observances, into hatred, ridicule, or contempt, and thereby to provoke a breach of the public peace; he shall be guilty of an offence, and on conviction thereof, liable to imprisonment not exceeding two years, with or without hard labour, and with or without a fine not exceeding \$500, or to a fine alone not exceeding \$500.

45. If any person—

(i) Does any act calculated to excite tumult or disorder, or to excite enmity between British subjects, Chinese subjects, and foreign subjects, or any of them, or to excite opposition to the lawful authority of His Majesty within the said territories; or,

(ii) Without His Majesty's authority levies war, or takes part

in any operation of war, or aids or abets any person in carrying on war, insurrection, or rebellion against the Emperor of China, or against any Government exercising authority in any part of the dominions of the Emperor of China, he shall on conviction be liable to imprisonment for any term not exceeding two years, with or without hard labour, or to a fine not exceeding \$5,000, or to both imprisonment and fine.

46.—(1) Where a person has been convicted under the last preceding article, he shall in addition to the punishments therein mentioned, and without further proceedings, be liable to deportation ; and the Court may order that he be deported to such place as the Commissioner may direct, but every such order shall be subject to confirmation by the Commissioner.

(2) The place shall be a place the Government thereof consents to the reception therein of the person to be deported.

(3) The person to be deported shall be detained in custody until a fit opportunity for his deportation occurs.

(4) He shall, as soon as is practicable, and either after execution of the sentence, or while it is in course of execution, be embarked in custody under the warrant of the Commissioner on board one of His Majesty's vessels of war, or, if there is no such vessel available, then on board any British or other fit vessel bound to the place of deportation.

(5) The warrant shall be sufficient authority to the commander or master of the vessel to receive and detain the person therein named, and to carry him to and deliver him up at the place named according to the warrant.

(6) If any master of a British ship, after a reasonable remuneration for the conveyance of a deported person has been tendered or paid to him, refuses or fails to carry such person to the place named, he shall be liable to a penalty not exceeding \$500.

(7) The Court may order the person to be deported to pay all or any part of the expenses of his deportation. Subject thereto, the expenses of deportation shall be defrayed in such manner as the Secretary of State, with the concurrence of the Treasury, may direct.

(8) The Commissioner shall forthwith report to the Secretary of State any order of deportation made or confirmed by him, and the grounds thereof.

(9) If any person deported under this Order returns to the said territories without permission in writing of the Secretary of State (which permission the Secretary of State may give), he shall be liable to a fine not exceeding \$1,000 ; and he shall also be liable to be forthwith again deported.

47. The Court shall have all the powers appertaining to the office of Coroner in England, provided as follows :—

(a) Where a person is charged with causing the death, the Court may proceed forthwith with the preliminary examination ;

(b) Where no person is charged with causing the death, the Court shall, without any jury, hold an inquest, taking the depositions of those who know the facts. If, during or after the inquest, any person is so charged, the depositions shall be read over in the presence of the witnesses and of the accused, who shall be entitled to cross-examine each witness, and the procedure shall be as in other cases of preliminary examination. If after the inquest the Court does not see fit to cause any person to be charged, the Court shall send a copy of the depositions to the Commissioner, together with a report as to the cause of the death.

PART V.—*Civil Matters.*

48.—(1) Every civil proceeding in the Court shall be taken by action, and not otherwise, and shall be designated an action.

(2) For the purposes of any statutory enactment or other provision applicable under this Order to any civil proceeding in the Court, an action under this Order shall comprise and be equivalent to a suit, cause, or petition, or to any civil proceeding, howsoever required by any such enactment or provision to be instituted or carried on.

49.—(1) Every action shall be heard and determined in a summary way.

(2) Every application in the course of an action may be made to the Court orally, and without previous formality, unless in any case the Court otherwise directs, or the Rules of Court otherwise provide.

(3) No action or proceeding shall be treated by the Court as invalid on account of any technical error or mistake in form or in words.

(4) All errors and mistakes may be corrected, and times may be extended, by the Court in its discretion, and on such terms as the Court thinks just.

50.—(1) The sittings of the Court for the hearing of actions shall, where the amount of business so required, be held on stated days.

(2) The sittings shall ordinarily be public, but the Court may, for reasons recorded in the Minutes, hear any particular case in the presence only of the parties and their legal advisers and the officers of the Court.

51. Every action shall commence by a summons, issued from the Court, on the application of the Plaintiff, and served on the Defendant (in this Order referred to as an original summons).

52. In each Court there shall be kept a book, called the Action Book, in which all actions brought in the Court shall be entered, numbered consecutively in each year, in the order in which they are commenced, with a short statement of the particulars of each action, and a note of the several proceedings therein.

53.—(1) An original summons shall not be in force for more than twelve months from the day of its date (including that day).

(2) If any defendant named therein is not served therewith, the plaintiff may, before the end of the twelve months, apply to the Court for renewal thereof.

(3) The Court, if satisfied that reasonable efforts have been made to serve the defendant or for other good reason, may order that the summons be renewed for six months from the date of renewal, and so, from time to time, during the currency of the renewed summons.

(4) The summons shall be renewed by being re-sealed with the seal of the Court, and a note being made thereon by the Court or its officer, stating the renewal and the date thereof.

(5) A summons so renewed shall remain in force and be available to prevent the operation of any statute of limitation, and for all other purposes, as from the date of the original summons.

(6) The production of a summons purporting to be so renewed shall be sufficient evidence of the renewal and of the commencement of the action, as of the date of the original summons, for all purposes.

54. If an action is not proceeded with and disposed of within twelve months from service of the original summons, the Court may, if it thinks fit, without application by any party, order the same to be dismissed for failure to proceed.

55. The Court may, at any time, if it thinks fit, either on or without application of a defendant, order the plaintiff to put in further particulars of his claim.

56. There shall ordinarily be no written pleadings; but the Court may at any time, if it thinks fit, order the plaintiff to put in a written statement of his claim, or a defendant to put in a written statement of his defence.

57. The evidence on either side may, subject to the direction of the Court, be wholly or partly oral, or on affidavit or by deposition.

58.—(1) Notwithstanding anything in this Order, the Court (for reasons recorded in the Minutes) may at any time do any of the following things as the Court thinks just:—

(i) Defer or adjourn the hearing or determination of any action, proceeding, or application;

(ii) Order or allow any amendment of any pleading or other document;

(iii) Appoint or allow a time for, or enlarge or abridge the time appointed or allowed for, or allow further time for, the doing of any act or the taking of any proceeding.

(2) Any Order within the discretion of the Court may be made on such terms respecting time, costs, and other matters, as the Court thinks fit.

59. Subject to the provisions of this Order and any Rules of Court, the costs of and incident to all proceedings in the Court shall be in the discretion of the Court.

60.—(1) All orders of the Court shall, if not made in writing, be drawn up in writing and filed with the papers in the action.

(2) The seal of the Court shall be affixed to every order, which shall then be part of the record in the action.

(3) The order shall bear the date of the day of the delivery of the decision on which the order is founded.

(4) All money ordered by the Court to be paid by any person shall be paid into the office of the Court, unless the Court otherwise directs.

61.—(1) On proof of great urgency or other peculiar circumstances, after an action is brought, the Court may, if it thinks fit, on the application of a plaintiff, or of its own motion, make an order for stopping the clearance of, or for the arrest and detention of, a ship about to leave the said territories, other than a ship enjoying immunity from civil process.

(2) The Court may, at any time, on reasonable cause shown, discharge or vary the order.

62.—(1) Any agreement in writing between any persons to submit present or future differences to arbitration, whether an arbitrator is named therein or not, may be filed in the Court by any party thereto, and, unless a contrary intention is expressed therein, shall be irrevocable, and shall have the same effect as an order of the Court.

(2) Every such agreement is in this Order referred to as a submission.

(3) If any action is commenced in respect of any matter covered by a submission, the Court, on the application of any party to the action, may by order stay the action.

63.—(1) The High Court shall have, with respect to all persons within the said territories, all such jurisdiction in bankruptcy as for the time being belongs to the High Court in England.

(2) Magistrates may exercise such jurisdiction in bankruptcy as may be prescribed by Ordinances, and subject thereto by Rules of Court; provided that a Magistrate shall not exercise any bankruptcy jurisdiction unless he is so authorized by the Commissioner.

(3) Proceedings in bankruptcy shall be originated by a summons to the debtor to show cause why he should not be adjudicated bankrupt, or by a summons issued by the debtor himself to his creditor, or any of his creditors, to show cause why he, the debtor should not be adjudicated bankrupt.

(4) On or after the issue of such summons, the High Court may stay any proceedings pending in any Court in respect of any debt provable in bankruptcy, or may allow the proceedings to continue on such terms as the High Court thinks fit.

(5) On or after the issue of such summons, the High Court may appoint a receiver or manager of the property or business of the debtor.

64.\*—(1) The High Court shall have Admiralty jurisdiction for and within the said territories, and over vessels and persons coming within the same.

\* See Order in Council of 7th August, 1894 (No. 136).



(2) The following enactments of "The Colonial Courts of Admiralty Act, 1890,"\* that is to say, Section 2, Sub-sections (2) to (4); Sections 5 and 6; Section 16, Sub-section (3); shall apply to the High Court as if that Court were a Colonial Court of Admiralty, and as if the said territories were a British possession; and for the purpose of this application the expressions "judgment" and "appeal" shall, in the enactments so applied, have the same respective meanings as are assigned thereto in Section 15 of the said Act.

65.—(1) The High Court shall, as far as circumstances admit, have, for and within the said territories, all such jurisdiction relative to the custody and management of the persons and estates of lunatics as for the time being belongs to the Lord Chancellor or other Judge or Judges in England intrusted by virtue of His Majesty's Sign Manual with the care and commitment of the custody of the persons and estates of lunatics.

66.—(1) The High Court shall, as far as circumstances admit, have, for and within the said territories, all such jurisdiction, except the jurisdiction relative to dissolution, or nullity, or jactitation of marriage, as for the time being belongs to the High Court in England.

(2) The High Court shall have the like jurisdiction in relation to native marriages as would be exercised by any Chinese Court, if His Majesty had not acquired power and jurisdiction in the said territories, and subject to the provisions of any Ordinance, may exercise the same in accordance with Chinese law and custom so far as consistent with justice and morality, observing, nevertheless, the procedure of the High Court, so far as is practicable.

67.—(1) The High Court shall be a Court of Probate, and, as such, shall, so far as circumstances admit, have all such jurisdiction as for the time being belongs to the High Court in England in cases of probate and administration of estates.

(2) The Commissioner may by Ordinance confer on Magistrates or on any Magistrate named or designated in the Ordinance in this behalf, jurisdiction in cases of probate and administration.

(3) In all cases where the deceased was a native effect shall be given to Chinese law and custom so far as the same are consistent with justice.

#### *Appeal in Civil Cases.*

68.—(1) Where a civil action in the High Court involves the amount or value of \$500 or upwards, any party aggrieved by any decision of the Court in the action shall have the right to appeal to the Supreme Court against the same on the following conditions, namely :—

(i) The appellant shall give security to the satisfaction of the Judge, and to such amount as the Judge thinks reasonable, not exceeding \$2,000, for prosecution of the appeal, and for payment of any costs that may be ordered by the Supreme Court on the appeal to be paid by the appellant to any person.

\* 53 and 54 Vict., cap. 27.

(ii) The appellant shall pay to the High Court such sum as the Judge thinks reasonable, to defray the expense of the making up and transmission to the Supreme Court of the record.

(2) In any civil case the High Court may, if it thinks fit, give leave to appeal on the conditions aforesaid.

(3) In any civil case the Supreme Court may give leave to appeal on such terms as it thinks fit.

69.—(1) After three months from the date of a decision of the High Court, an appeal against it shall not lie except by leave of the Supreme Court.

(2) After six months from the date of a decision of the High Court, application for leave to appeal against it shall not be entertained by the Supreme Court.

70.—(1) When a person ordered to pay money, or to do any other thing, appeals, the Judge shall direct either that the decision appealed from be carried into execution, or that the execution thereof be suspended pending the appeal, as he thinks fit.

(2) If the Judge directs the decision to be carried into execution, the person in whose favour it is given, shall, before the execution of it, give security to the satisfaction of the Judge for performance of any order to be made on appeal.

(3) If the Judge directs the execution of the decision to be suspended, the person against whom it is given shall, before an order for suspension is made, give security to the satisfaction of the Judge for performance of such order as shall be made on appeal.

71.—(1) The appellant shall file an appeal motion-paper in the High Court.

(2) He may at the same time file any argument which he desires to submit to the Supreme Court in support of the appeal.

(3) The motion-paper and the argument (if any) shall be served on such persons as respondents as the High Court directs.

72.—(1) A respondent may, within seven days after service, file in the High Court a motion-paper of cross appeal (if any), and such argument as he desires to submit to the Supreme Court on the appeal and cross appeal (if any).

(2) Copies thereof shall be furnished by the High Court to such persons as the Court thinks fit.

73.—(1) On the expiration of such seven days, the High Court shall, without the application of any party, make up the record of appeal, which shall consist of the writ of summons, statements of claim and defence (if any), orders, and proceedings, all written and documentary evidence admitted or tendered, or a certified copy thereof, and the notes of the oral evidence, the appeal and cross appeal motion-paper and the arguments (if any).

(2) The several pieces shall be fastened together, consecutively numbered; and the whole shall be secured by the seal of the Judge, and be forthwith forwarded by him to the Supreme Court.

(3) The Judge shall not, except for some special cause, take on

himself the responsibility of the charge, or of the transmission to the Supreme Court, of original letters or documents produced in evidence. They shall be returned to the parties producing them; and they shall produce the originals, if required by the Supreme Court, at or before the hearing of the appeal.

74.—(1) After the record of appeal is transmitted, until the appeal is disposed of, the Supreme Court shall be in exclusive possession of the whole action, as between the parties to the appeal.

(2) Every application in the action, as between the parties to the appeal, shall be made to the Supreme Court, and not to the High Court; but any application may be made through the High Court.

75.—(1) The Supreme Court shall, after receiving the record of appeal, fix a day for the hearing of the appeal, and shall give notice thereof through the High Court to the parties to the appeal, such a day being fixed as will allow of the parties attending in person or by counsel or solicitor if they so desire.

(2) But if all the separate parties to an appeal appear in person at Hong Kong, or appoint persons there to represent them as their counsel or solicitors in the appeal, and cause the appearance or appointment to be notified to the Supreme Court, the Supreme Court may dispose of the appeal, without being required to give notice through the High Court to the parties to the appeal of the day fixed for the hearing thereof.

76. The Supreme Court may, if it thinks fit, require a party to an appeal to appear personally before it on the hearing of the appeal, or on any occasion pending the appeal.

77.—(1) The Supreme Court may, from time to time, make any order necessary for determining the real question in controversy in the action, as among the parties to the appeal, and for that purpose may amend any defect or error in the record of appeal, and may enlarge the time for any proceeding except as otherwise by this Order expressly provided.

(2) The Supreme Court may direct the High Court to inquire into and certify its finding on any question, as between the parties to the appeal, or any of them, which the Supreme Court thinks fit to determine before final judgment is given in the appeal.

(3) The powers of the Supreme Court under this Order may be exercised by the Supreme Court, notwithstanding that the appeal is brought against part only of the decision of the High Court; and those powers may be exercised in favour of all or any of the parties to the action, although they have not appealed from, or complained of, the decision.

(4) Generally, the Supreme Court shall, as among the parties to the appeal, have as full jurisdiction over the whole action as if it had been originally instituted and prosecuted in the Supreme Court by parties subject to the original jurisdiction of the Supreme Court.

(5) The Supreme Court may, if it thinks fit, remit the action to

the High Court, to be re-heard, or to be otherwise dealt with as the Supreme Court directs.

(6) The appeal shall be determined by the Supreme Court according to the law to be administered under this Order by the High Court.

78.—(1) Notwithstanding anything in this Order, an appeal to the Supreme Court shall not lie from an order of the High Court, made on the application of one party, without notice to the other party.

(2) But, if any person thinks himself aggrieved by such an order, he may, on notice to the other party, apply to the High Court to vary or discharge the order, and an appeal shall lie from the decision on that application.

79. Subject to the provisions of this Order and of any Ordinance made under this Order, the Supreme Court may, with the consent of the Commissioner and with the approval of the Secretary of State, make rules of Court with respect to the hearing of appeals under this Order.

80. For purposes of appeal in civil cases to His Majesty the King in Council, a decision of the Supreme Court on appeal under this Order shall have the effect of a decision of that Court under its ordinary primary jurisdiction.

#### PART VI.—*Miscellaneous.*

81. A Land Commission is hereby constituted for the said territories, consisting of the Judge and one other Commissioner who shall be appointed and may be removed by His Majesty's Commissioner.

The Land Commission shall deal with such questions relating to the titles, tenures, occupancy, and assessment of lands in the said territories as may be assigned for their determination by any Ordinance, which may also prescribe the powers, duties, and proceedings of the Commission.

82.—(1) All the water area included within the lines hereinafter described shall be deemed to be Admiralty waters and shall be solely under the control of the Naval Authorities, that is to say :—

A line from the Eastern Point of the Hu An Lok Rocks to Itau ; thence in the direction of Flagstaff Point, until the Eastern Point of Weigall Cove bears North "true" ; thence to within a cable's length of the shore at that point ; thence following the direction of the coast line and islands at a distance of one cable until Outer Island bears North by West ; thence to Kwoa Pu, the northern point of Liu Kung Tau ; thence along the shore of Liu Kung Tau to the westward and southward to the Eastern Point of the Hu An Lok Rocks.

(2) The Lords Commissioners of the Admiralty may from time to time, with the concurrence of the Secretary of State for the Colonies, alter the limits of the Admiralty waters, and such alteration

shall be carried into effect by Ordinance as provided by Article 9 of this Order in Council.

(3) The Naval Commander-in-Chief will make such regulations as will permit of the use of Admiralty waters by mercantile vessels, so far as is necessary.

83. The Commissioner may make Rules of Court and prescribe forms of procedure as to all civil and criminal proceedings and the fees to be taken therein.

All such Rules shall be transmitted by the Commissioner to the Secretary of State, for his approval, and, so far as they relate to fees, for the approval of the Treasury, and until disallowance by him shall have full force and effect.

84. Not later than the 31st March in each year the Commissioner shall transmit to the Secretary of State a report on the operation of this Order as far as relates to judicial affairs for the year ending the 31st December then last, showing the number and nature of the proceedings, criminal and civil, taken in the Courts under this order, and the result thereof, and the number and amount of fees received, and such other information, and being in such form, as the Secretary of State from time to time directs.

85. From and after the commencement of this Order, the Orders in Council relating to the exercise of His Majesty's jurisdiction in China shall cease to have any effect in the territories within the limits of this Order, with such savings and exceptions (if any) as may be made by any Proclamation issued by the Commissioner before the commencement of this Order.

86. This Order shall commence and take effect as follows :—

As to the appointment of the Commissioner or other officer, the making of Ordinances or Rules, and the issue of any instructions, proclamations or notifications, immediately from and after the passing of this Order.

As to all other matters and provisions comprised and contained in this Order, from and after the expiration of one month after this Order is first publicly exhibited in the said territories.

87. This Order may be cited as "The Wei-hai-Wei Order in Council, 1901."

A. W. FITZROY.

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(No. 147.) *LAND REGULATIONS and Bye-Laws for the Foreign Settlement of Kulangsu. Amoy, 10th January, 1902.*

CONTENTS.

	Page.
Preamble .. .. .	775
1. Limits .. .. .	775
2. Annual general meetings .. .. .	775
3. Special meetings .. .. .	776
4. Municipal Council : Qualifications of voters and councillors ; Vacancies in Council .. .. .	776

## CONTENTS—continued.

	Page.
5. Powers of Council: Framing and amendment of bye-laws .. ..	777
6. Municipal officers and servants .. ..	778
7. Defaulters .. ..	778
8. Council, how to be sued: Court of Consuls .. ..	778
9. Land .. ..	778
10. Public property to vest in Council .. ..	778
11. Land tax .. ..	779
12. Mixed Court: Appeal; Counter-signature of warrants .. ..	779
13. Arrest without warrant .. ..	780
14. Rendition of criminals .. ..	780
15. Recovery of penalties under bye-laws .. ..	780
16. Future amendment of Regulations .. ..	781
BYE-LAWS .. ..	781

## LAND REGULATIONS.

*Preamble.*

WHEREAS China establishes Kulangsu as a Settlement, in order that due provision may be made for constructing roads and jetties, and keeping them and existing roads and jetties in repair, for cleansing, lighting, watering and draining the Settlement, establishing and maintaining a police force thereon, making sanitary regulations, paying the wages and salaries of persons employed in any municipal office or capacity and for raising the necessary funds for any of the purposes aforesaid, the following Regulations are hereby drafted and submitted to the Chinese Foreign Office for discussion with the Foreign Ministers and subsequent confirmation by Imperial Rescript.

*Limits.*

1. The limits of the Settlement wherein these Regulations shall be binding are an imaginary line drawn at 100 feet outside low water mark round the island of Kulangsu, lying W.S.W. of the island of Amoy, and having roughly speaking an area of a little over  $1\frac{1}{2}$  square miles.

*Annual General Meetings.*

2. It being necessary and expedient that provision be made for the appointment of a Municipal Council for the management of municipal matters, the senior Consul for the time being shall, in the month of January in each year, call a general meeting of voters, to attend which the Taotai shall depute one or two Chinese gentlemen of good standing, who shall afterwards be *ex officio* members of the Council, for the passing of accounts for the previous year, for the election of a Council and to make provision for the payment of municipal expenses during the current year, and for the transaction of such other business as may lawfully pertain to the municipality. Ten days' notice shall be given of such meeting, and at the meeting the chair shall be taken by the senior Consul present. It shall be competent for such meeting duly assembled, or a majority thereof,

including proxies for owners of land or houses, who may be absent from the port and who are qualified voters, to impose and levy rates and issue licences for the purposes mentioned in the Bye-laws and to declare an assessment in the form of a rate on lands and/or houses and other buildings, and it shall also be competent for the said meeting or a majority thereof as aforesaid to impose other rates and taxes in the form of dues on all goods landed and/or stored within the said limits. Provided the said rates and taxes levied in the form of dues shall in no case exceed the amount of one-quarter of 1 per centum on the value of goods so landed and/or stored. And it shall also be competent for the said meeting or a majority thereof to impose taxes in such other forms as may appear requisite and necessary.

*Special Meetings.*

3. The senior Consul for the time being may of his own motion or at the written request of any one or more of the Consuls, of the Council, or of any 10 voters call a special or extraordinary meeting of ratepayers for the transaction of any business of the municipality not provided for at the annual general meeting. In all such cases he shall give 10 days' public notice and set forth the object for which the meeting is called. The chair shall be taken at the meeting in the same manner as provided at the annual general meeting. All resolutions bearing on the special object of the meeting and passed by a majority of two-thirds of the qualified voters present at such meeting shall be valid and binding on the whole of the residents within the limits of the Settlement, if not less than one-third of the electors are present or are represented.

Provided always that all resolutions passed at any meeting whether general or special shall be submitted to the Consular Body for their approval, and without the approval of a majority of the Consular Body officially given, no resolution shall be operative.

*Municipal Council.*

4. The Municipal Council shall consist of five or six persons, who shall be elected by ballot of qualified voters at the annual general meeting, together with the Chinese gentlemen appointed by the Taotai, and shall hold office until the election of their successors at the next following annual general meeting.

*Qualifications of Voters.*

The following persons are qualified to vote at all public meetings of ratepayers :—

(1) Foreign owners of land on Kulangsu registered at a Consulate and of an assessed value of not less than \$1,000.

(2) Authorized agents or proxies of landowners as above who are absent from the port.

(3) Foreign annual taxpayers of \$5 and upwards, exclusive of licence fees.

*Qualifications of Councillors.*

The following persons are qualified for election as Councillors :—

(1) Foreign owners of real estate on Kulangsu of an assessed value of not less than \$5,000.

(2) Foreign residents on Kulangsu paying rates on an assessed annual rental of \$400 and over, whether such rental or rates be paid by the firm, society or company to which they belong or by themselves personally. Provided always that only one member of such firm, society, or company or one occupant of any house be eligible to sit on any one Council.

*Vacancies in the Council.*

In case of a vacancy or vacancies occurring during their tenure of office, the existing Council shall have power to fill up such vacancy or vacancies by the vote of the majority of the Council. If the Chinese membership become vacant, a new appointment will be made by the Taotai. The Council shall enter upon their office as soon as they are elected and the accounts of the retiring Council have been passed at the annual general meeting. At their first meeting the new Council shall elect a Chairman and Vice-Chairman. On all questions in which the members of the Council present at Council meeting are equally divided in opinion the Chairman shall have a second or casting vote. At such meetings three members shall constitute a quorum.

In the above clause the term “foreign” is to be interpreted as meaning persons not of Chinese race, and does not include persons of that race who may by birth or naturalization abroad have become the subjects of foreign countries.

*Powers of Council.*

5. When in pursuance of these Regulations the Council shall have been duly elected all the powers, authority, and control conferred by the Bye-laws now sanctioned and annexed to these Regulations and all the rights and property which by such Bye-laws are declared to belong to any Council elected as aforesaid shall vest in and absolutely belong to such Council and to their successors in office.

*Framing and Amendment of Bye-laws.*

And such Council shall have power and authority from time to time to make other Bye-laws for the better enabling them to carry out the objects of these Regulations and to repeal, alter, or amend any such Bye-laws, provided such other Bye-laws be not repugnant to the provisions of these Regulations and be duly confirmed and published; and provided also that no Bye-laws made by the Council under the authority of these Regulations except such as relate solely to their Council or their officers or servants shall come into operation until passed and agreed upon by the Taotai and the Treaty



Consuls, approved by the Chinese Government and the Foreign Minister in Peking, and the ratepayers in public meeting assembled.

*Municipal Officers and Servants.*

6. The Council may from time to time appoint such police and other officers and servants as they think necessary for carrying out these Regulations, and fix the salaries, allowances, and wages of such officers and servants, and may pay the same out of Municipal Funds and make rules and regulations for the government of such officers and servants, and may discontinue or remove any of them from time to time as they shall think fit. Provided always that no officers shall be appointed for a longer period than three years without the consent of the electors duly convened.

*Defaulters.*

7. It shall be lawful for the said Council or their Secretary to sue all defaulters in the payment of all assessments, rates, taxes, and dues whatsoever levied under these Regulations and of all fines and penalties leviable under the Bye-laws annexed to them in the Consular and other Courts under whose jurisdiction such defaulters may be and to obtain payment of the same by such means as shall be authorized by the Courts in which such defaulters are sued.

*Council, how to be Sued.*

8. The Council may sue and be sued in the name of their Secretary for the time being or in their corporate capacity or character as "Council for the Settlement of Kulangsu."

*Court of Consuls.*

All proceedings against the said Council or their Secretary shall be commenced and prosecuted before a "Court of Foreign Consuls" which shall be established at the beginning of each year by the Consular Body. Provided always that the individual members of the Council or their Secretary shall not be personally responsible for any act done by the authority of the Council, but only the property of the Council.

*Land.*

9. The existing system of purchasing and transferring land by foreigners and the registration at the Chinese Yamên and the Consulates of purchases and transfers shall continue in force.

*Public Property to vest in Council.*

10. The title in all existing public roads, jetties and cemeteries and in all municipal lands and buildings shall vest in the Council, and should more land be required for similar purposes it shall be

lawful for the Council to acquire it at a price to be agreed on between themselves and the proprietors.

If the proprietors be unwilling to sell or surrender and if it appear to the Council necessary in the public interest that such land should be acquired for new roads, extension and widening of existing roads, for public works or for purposes of sanitation, the matter shall be referred to the Court of Consuls. Should it then appear to the Court that the contention of the Council is reasonable and for the public interest, the Court shall, after hearing the parties and calling for evidence, determine the compensation (if any) to be paid or given for the land so required and for the buildings (if any) thereon, and in respect of any tenancy of the said land or buildings respectively, taking into consideration the increase or decrease in value of the remainder of the property, and the surrender of the land, on the terms of the award and finding of the Court, shall be compulsory, and, in case of need, be enforced by the Court or Courts having jurisdiction over the owners and occupiers of the land. No jetties or wharves shall be constructed without the consent of the Council and the approval of the Harbour Master first obtained.

#### *Land Tax.*

11. The Emperor of China being as heretofore Lord of the Soil, the Government land tax and foreshore tax will continue to be collected by the Chinese authorities. Such taxes will however be handed over to the Council as a contribution to the expenses. The tax on any foreshore that may hereafter accrete will be retained by the Chinese Government and not handed over to the Council.

#### *Mixed Court.*

12. The Chinese Government will further establish on Kulangsu a Mixed Court on the lines of the Mixed Court at Shanghai, and will appoint an experienced officer to preside thereat with a sufficient staff. Such officer will receive special authority from the Taotai of Amoy and the Foreign Board of Fohkien empowering him to deal with all police cases occurring within the Settlement and in which Chinese are the defendants. In case of a more serious crime being committed by a Chinese the accused shall, after preliminary examination at the Mixed Court, be handed over, with a report on the case, to the territorial officials to take his trial.

The Mixed Court will also be empowered to deal with all civil cases in which any Chinese resident in the Settlement is defendant, and any judgment given by him in such cases shall be executed if necessary by the territorial officials on the mainland and in Amoy.

Provided always that in any case, whether civil or criminal, in which a foreigner is concerned the Consul of his nationality or an officer deputed by him shall sit as an Assessor with the Mixed Court Magistrate.

*Appeal.*

Should the Assessor dissent from the finding of the Mixed Court Magistrate the case may be appealed to a higher Court consisting of the Taotai, with the Consul of the foreigner's nationality as Assessor.

*Counter-signature of Warrants.*

All warrants and summonses issued by the Mixed Court must, if the person to be arrested or summoned be residing on Foreign premises, be first taken to the Consul concerned for counter-signature. If such person be in foreign employ but is not residing on foreign premises the warrant need not be first countersigned by the Consul, but it must be sent to him on the day it is issued and the Consul may if he sees fit cancel the warrant. In other cases the warrant need not be countersigned by a Consul. Special regulations for the procedure of the Mixed Court shall be drawn up by the Taotai in consultation with the Consular Body.

*Arrest without Warrant.*

13. The municipal police may arrest without special warrant any person discovered in the commission of any offence against the peace or good order of the Settlement, and may also execute the warrant of any Consul to arrest any person of such Consul's nationality. All persons arrested shall be taken with all reasonable dispatch before their proper Courts to be there dealt with according to law.

*Rendition of Criminals.*

14. In the case of any crime being committed in Amoy or on the mainland, if the criminal take refuge in the Settlement, the Hsia Fang Ting will issue his warrant and send it with runners to the senior Consul for counter-signature, and if the criminal be on foreign premises the counter-signature of the Consul specially concerned will also be required. The municipal police will then assist the runners in effecting the arrest and the criminal will be handed over. In urgent cases the criminal may be first arrested and the Consul notified afterwards in the same manner as is laid down in Clause 12.

*Recovery of Penalties under Bye-laws.*

15.\* Any penalty or forfeiture or fees on licences provided for in the Bye-laws framed under the authority of these Regulations, and imposed in pursuance of such Bye-laws, may be recovered by summary proceedings before the proper Consular or other authority, and it shall be lawful for such authority upon conviction to adjudge the offender to pay the penalty or incur the forfeiture as well as the costs attending the conviction, as such authority may think fit. All fines and penalties levied under these Regulations and the Bye-

\* No. 16 in the Draft Regulations.

laws framed under them shall be carried to the credit of the Council in diminution of the general public expenditure.

*Future Amendment of Regulations.*

16.\* Hereafter should any correction be requisite in these Regulations or should it be necessary to determine on further rules, or should doubts arise as to the construction of, or powers conferred thereby, the same must be consulted on and settled by the Foreign Consuls and local Chinese Authorities subject to confirmation by the Foreign Representatives and Supreme Chinese Government at Peking.

Signed at H.I.J.M. Consulate, Amoy, the 10th of January, 1902.

YEN NIEN.

*Taotai.*

CHANG WEN CHIH.

*Marine Subprefect.*

CHÊNG HSÜ.

*Li-kin Deputy.*

YANG JUNG CHUNG.

*Foreign Affairs Deputy.*

S. UYENO.

*Senior Consul and Consul for Japan.*

R. W. MANSFIELD.

*H.B.M. Consul.*

JOHN H. FESLER.

*U.S. Consul.*

B. KRAUSE.

*H.G.M. Acting Consul.*

A. BERNARD.

*Agent Consulaire de France.*

M. WOODLEY.

*Acting Consul for Spain.*

*Acting Consul for Denmark.*

AUGUST PIEHL.

*Consul for the Netherlands, and*

*Vice-Consul for Sweden and Norway.*

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BYE-LAWS

*Annexed to the Land Regulations for the Foreign Settlement of Kulangsu, Amoy.*

1. The entire control and management of all public sewers and drains within the limits of the Settlement shall vest in and belong to the Council, and the expense of maintaining and cleansing them shall be defrayed out of municipal funds.

2. All sewers and drains on private property shall be under the supervision of the Council, and may be inspected at a fixed time by them or their authorized servants. Should such sewers or drains be found to be obstructed, or in a dirty condition, so as to be a source of danger to the public health, the Council shall

\* No. 17 in the Draft Regulations.

call upon the owner of the property to effect such alterations or apply such remedies as may seem necessary. Should the owner, or, in his absence, the occupier of the property after one week have failed to take steps towards remedying the evil, the Council may cause the necessary work to be done, and the expense thereof shall be recoverable from the owner, or, in his absence, the occupier, in the Court of his nationality, together with a fine not exceeding \$7.

3. Every person who wilfully obstructs, takes up or makes any alteration in any road under the management of the Council, except with the written consent of the Council, shall be liable to a penalty not exceeding \$10.

4. The Council may give notice to the occupier of any house or building to remove or alter any porch, verandah, shed, projecting window, step, sign, wall, gate, or fence, or any other obstruction or projection erected or placed against or in front of any house or building and which is an obstruction to the safe and convenient passage along any road or street. And such occupier shall within 14 days remove such obstruction or projection, and in default thereof shall be liable to a penalty not exceeding \$7, and in such case the Council may remove such obstruction or projection, and the expense of such removal shall be paid by the occupier so making default and shall be recoverable as damages. Provided always that in the case in which such obstructions or projections were put up by the owner the occupier shall be entitled to deduct the expense of removing the same from the rent payable by him to the owner.

5. All occupiers of land or houses shall cause the road in front of their houses to be swept and cleansed whenever occasion shall require after receipt of notice served upon them, and they shall also cause to be swept and cleansed all gutters and surface drains in the front, side, or rear of their premises, and remove all accumulation of soil, ashes, or rubbish, and every occupier making default herein shall for every offence be liable to a penalty not exceeding \$5 or imprisonment for three days.

6. The Council may from time to time fix the hours within which only it shall be lawful to empty privies or remove offensive matter within the limits of the Settlement; and when the Council have fixed such hours and given public notice thereof, every person who within such limits empties or begins to empty any privy, or moves along any thoroughfare any offensive matter at any time except within the hours so fixed, and also every person who at any time whether such hours have been fixed by the Council or not uses for any such purpose any utensil or pail or any cart or carriage not having a covering proper for preventing the escape of the contents or of the stench thereof shall be liable to a penalty not exceeding \$5, or in default to imprisonment not exceeding three days.

7. No person shall suffer any waste or stagnant water to remain in any place within any house belonging to or occupied by him or within or upon any waste land belonging to or in his occupation so as to be a nuisance; and every person who shall suffer any such water to remain for 48 hours after receiving notice from the Council to remove the same, and every person who allows the contents of any privy or cesspool to overflow or soak therefrom to the annoyance of the occupiers of any adjoining property, or who keeps any pig or pigs within any dwelling house so as to be a nuisance, shall for every such offence be liable to a penalty not exceeding \$5. And the Council may drain and cleanse out any stagnant pools, ditches, or ponds of water within such limits, being a nuisance, and abate any such nuisance as aforesaid and for that purpose may enter by their officers and workmen into or upon any building or land within such limits at all reasonable times and do all necessary acts for any of the purposes aforesaid; and the expenses incurred thereby shall, after investigation by the Council into the rights of the case, be paid by the person committing such offence or occupying the building or land whence such annoyance proceeds, and if there be no occupier, by the owner of such building or land, and such expense shall be recoverable as damages.

8. If at any time in the opinion of the Council any accumulation of dung, soil, or filth, or other obnoxious or offensive matter, ought to be removed as being injurious to the health of the inhabitants, the Secretary of the Council shall forthwith give notice to the owner or reputed owner of such dung, soil, or filth, or to the occupier of the land, who are to remove the same within 48 hours after such notice, and, in case of failure to comply with such notice, the Council, or any person with whom they have at any time contracted for the removal of all such refuse, may remove the same, and they may recover the expense of such removal from such occupier or owner in the same manner as damages.

9. If at any time the Council consider that any house or part of any house or building within the limits is in such filthy or unwholesome condition that the

health of the inmates of the neighbouring houses is thereby affected or endangered, or that the whitewashing, cleansing or purifying of any house or building or any part thereof would tend to prevent or check infectious or contagious disease therein, or that any drain, privy, or cesspool is in such a defective state that the health of the neighbours is thereby affected or endangered, the Council shall order the occupiers of such house or part thereof to whitewash, cleanse and purify the same, and the owner of such drain, privy, or cesspool to amend the condition thereof in such manner and within such time as the Council deem reasonable; and if such occupier or owner do not comply with such order he shall be liable to a penalty not exceeding \$7 for each offence, and in such case the Council may cause such house or any part thereof to be whitewashed, cleansed and purified, or the condition of such drain, privy, or cesspool to be amended and may recover the expense thereof from such occupier or owner in the same manner as damages.

10. The water supply of Kulangsu being derived from wells it is essential that the water in all wells situated on or adjacent to any public road, field, or garden be preserved from contamination. Hereafter no privies, latrines, cesspools, manure heaps, or deposits of filth or refuse must be made or deposited in such proximity to any such well as the Council shall consider as likely to contaminate the water. In such case the Council shall give notice to the person so offending to remove the annoyance forthwith, and if within 48 hours it has not been so removed, he shall be liable to a penalty not exceeding \$5, and the Council may of its own motion and at the expense of the person so offending remove the annoyance, and may recover the expense thereof in the same manner as damages.

11. All cases of death from bubonic plague, cholera, small-pox and other infectious diseases must be reported to the Council within 12 hours, and the Council will take such steps as may appear necessary for the disinfection of the premises on which the death has occurred. Should the occupants of the premises not be in a position to pay the expenses of such disinfection, the Council may, in its discretion, pay out of municipal funds the whole or any part of such expenses. Any head of a house or family failing to report a case of death as aforesaid, shall be liable to a penalty not exceeding \$20 in the first case occurring, \$30 in the second case, and \$50 in all subsequent cases.

12. Every occupier of any building or land within the Settlement, and every other person who refuses to permit the scavengers of the Council to remove such dirt, ashes, or rubbish as by these Bye-laws they are authorized to do, or who obstructs the said scavengers in the performance of their duty shall for every such offence be liable to a penalty not exceeding \$25.

13. From and after the date that these Bye-laws and Regulations come into effect, no house or building may be erected without the plans being first submitted to the Council, and their sanction in writing first obtained. The Council may either refuse such sanction or may make such conditions as to sanitary or other arrangements as may seem to them fit. Any person erecting such house or building without such sanction will be liable to a penalty not exceeding \$100, and the Council may request the Court of the nationality concerned to remove such house or building, and may recover from him the expense thereof in the same manner as damages.

14. No dangerous goods such as gunpowder or other explosives, saltpetre, large quantities of spirits in bulk, naphtha and other explosive gases or liquids, may be landed on the Settlement under a penalty recoverable from the offender not exceeding \$250 for the first offence, and not exceeding \$500, with confiscation of the goods themselves, for each succeeding offence. In the case of kerosene or other inflammable illuminating oil it shall only be stored in such special places and godowns as may be considered safe by the Council; and in no private house or shop within the Settlement shall more than 10 cases be allowed to be kept for sale or use under a penalty of \$10 and the confiscation of any cases in excess of 10 for each offence.

15. No person shall open or keep a fair, market, house or place of public entertainment, music hall, theatre, circus, billiard, bowling or dancing saloon, brothel, gambling house, dairy, laundry, slaughter house, shop or store for the sale of wines, spirits, beer, intoxicating or other drugs, lottery tickets or chances in lotteries, butchers' meat, poultry or game, or sell or vend any wines, spirits, beer, intoxicating or other drugs, lottery tickets or chances in lotteries, butchers' meat, poultry or game; or ply, let, or use for hire any boat, horse, or vehicle without a licence first obtained from the Council, and, in the case of foreigners, countersigned by the Consul of the nationality to which such person belongs. In respect of such licences the Council may, in its discretion, impose such conditions and exact such security

## [Land Regulations. Kulangsu.]

as the nature of the particular case may require or refuse to give such licence, and such fees will be charged for such licences as may be authorized at the annual general meeting of ratepayers. And any person offending against or infringing the provisions of such Bye-law shall be liable for every offence to a fine not exceeding \$100, and a further fine for every 24 hours' continuance of such offending or infringing not exceeding \$25.

16. All persons firing guns or pistols on or near public roads (except on rifle ranges and such other places as may be approved by the Council) causelessly creating a noise or disturbance and all persons guilty of furious riding or driving or committing any act which may legitimately come within the meaning of the term nuisance, shall be liable to a penalty not exceeding \$5.

17. No person within the Settlement, except the Titai and Taotai of Amoy, Consular officers and the officers of the Mixed Court and Municipal Council duly authorized, and military and naval officers, volunteers or soldiers of any Government force in uniform or on duty, shall under any pretence carry offensive or defensive arms such as guns, pistols, swords, daggers, loaded sticks, slung shots, knives or any weapon of like character under a penalty of not exceeding \$10, or seven days imprisonment, with or without hard labour. Provided that nothing in this Bye-law be construed to extend to the carrying of fowling pieces for the purpose of shooting game.

18. Nothing in these Bye-laws contained shall be construed to render lawful any act or omission on the part of any person which is or would be deemed a nuisance at common law, nor to screen such person from prosecution or action in respect thereof according to the form of proceeding at common law, nor from the consequences upon being convicted thereof.

19. Every penalty or forfeiture imposed on any foreigner by these Bye-laws, the recovery of which it not otherwise provided for may be recovered by summary procedure before the proper Consular representative, and it shall be lawful for such Consular representative, upon conviction, to adjudge the offender to pay the penalty or forfeiture incurred as well as such costs attending the conviction as such Consular representative shall think fit.

20. These Bye-laws shall be printed and the Secretary of the Council shall deliver a printed copy thereof to any ratepayer applying for the same without charge.

Signed at H.I.J.M. Consulate, Amoy, the 10th of January, 1902.

YEN NIEN.

*Taotai.*

CHANG WEN CHIH.

*Marine Subprefect.*

CHENG HSÜ.

*Li-kin Deputy.*

YANG JUNG CHUNG.

*Foreign Affairs Deputy.*

S. UYENO.

*Senior Consul and Consul for Japan.*

R. W. MANSFIELD.

*H.B.M. Consul.*

JOHN H. FESLER.

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B. KRAUSE.

*H.G.M. Acting Consul.*

A. BERNARD.

*Agent Consulaire de France.*

M. WOODLEY.

*Acting Consul for Spain.*

*Acting Consul for Denmark.*

AUGUST PIEHL.

*Consul for the Netherlands, and*

*Vice-Consul for Sweden and Norway.*

(No. 148.) *ORDER IN COUNCIL respecting the Whangpoo Conservancy Board. London, 6th March, 1902.\**

At the Court at St. James's, the 6th day of March, 1902.

PRESENT : THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by Treaty, grant, usage, sufferance, and other lawful means His Majesty the King has jurisdiction within the dominions of the Emperor of China ;

And whereas by Article 11 of the Final Protocol, signed at Peking on the 7th day of September, 1901 (**No. 26**) by the Envoys and Plenipotentiaries of China, and of certain other Powers, including His Majesty the King, provision is made for the establishment of a Conservancy Board for the improvement and control of the navigation of the River Whangpoo ;

And whereas the detailed Regulations with respect to the constitution, powers, and revenues of the said Conservancy Board are contained in Annex No. 17† appended to the said Protocol, a translation of which Annex appears in the Schedule to this Order ;

And whereas it is expedient that the said Regulations should be made binding upon British subjects :

Now, therefore, His Majesty, by virtue and in exercise of the powers in this behalf by the " Foreign Jurisdiction Act, 1890 " (**No. 135**) or otherwise in His Majesty vested, is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, as follows :—

1. The Regulations contained in the said Annex No. 17, a translation of which appears in the Schedule to this Order, are hereby declared to be binding upon all British subjects.

2. In like manner any modifications of the said Regulations, and any ordinances or regulations of the said Conservancy Board enacted in pursuance thereof shall, when brought into force in accordance with the provisions of those Regulations, be binding upon all British subjects.

3. Any proceedings by the said Conservancy Board, or by any Consul or Municipality against any British subject in respect of any tax or duty payable, or any dispute or matter arising under the said Regulations, or under any such ordinances or regulations of the said Board, shall be taken in the proper British Court in accordance with the provisions of the Orders in Council for the time being in force relating to the exercise of His Majesty's jurisdiction in China.

4. All fines imposed by a British Court under any ordinances or

\* " London Gazette," 7th March, 1902. Laid before both Houses of Parliament, in pursuance of the Foreign Jurisdiction Act, 1890 (Section 11. See page 705), 10th March, 1902. See also Agreement of 27th September, 1905 (**No. 31**).

† See Vol. I. Page 143.



## [Whangpoo Conservancy Board.]

regulations to which effect is given by this Order shall, when recovered, be disposed of in such manner as may be prescribed by such ordinances or regulations, or if the disposal thereof is not so prescribed, in such manner as the Secretary of State may direct.

5. This Order shall come into force on such day as His Majesty's Minister in China shall by public notification appoint.

6. This Order may be cited as "The China (Whangpoo River Conservancy) Order in Council, 1902."

And the Most Honourable the Marquess of Lansdowne, K.G., one of His Majesty's Principal Secretaries of State, is to give the necessary directions herein.

A. W. FITZROY.

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SCHEDULE.

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ANNEX NO. 17 TO THE FINAL PROTOCOL.

(Translation.)

*Regulations for the Improvement of the Course of the Whangpoo.*

Sec. 1.—A River Conservancy Board is hereby instituted at Shanghai for the Whangpoo River.

Sec. 2.—The Board will act in double capacity; firstly, as an agency for the rectification and improvement of the waterway, and secondly as an agency for its control.

Sec. 3.—The jurisdiction of the Board shall extend from a line drawn from the lower limit of Kiang-nan Arsenal towards the mouth of the Arsenal Creek, to the red buoy in the Yang-tsze.

Sec. 4.—The Board shall consist of:—

- (a) The Taotai.
- (b) The Commissioner of Customs at Shanghai.
- (c) Two members elected by the Consular Body.
- (d) Two members of the General Chamber of Commerce of Shanghai, elected by the Committee of the said Chamber.
- (e) Two members representing shipping interests, elected by shipping companies, commercial firms and the merchants, the total of whose entrances and clearances at Shanghai, Woosung, and other ports on the Whangpoo exceeds 50,000 tons per annum.
- (f) A member of the Municipal Council of the International Settlement.
- (g) A member of the Municipal Council of the French Concession; and
- (h) A representative of each country, the total of whose entrances and clearances at Shanghai, Woosung, and any other port of the Whangpoo exceeds 200,000 tons a year. Said representative shall be designated by the Government of the country interested.

Sec. 5.—The *ex-officio* members shall hold office as long as they fill the position by virtue of which they sit on the Board.

Sec. 6.—The representatives of the Municipal Councils and of the Chamber of Commerce shall be elected for a period of one year. They are eligible for immediate re-election.

The term of office of the members to be designated by the Governments provided for under paragraph (h) of Section 4, shall also be one year.

The term of the other members is for three years. They are eligible for immediate re-election.

Sec. 7.—In case of a vacancy during a term, the successor of the out-going member shall be designated for one year or for three years, according to the class to which he belongs.

Sec. 8.—The Board shall elect its Chairman and Vice-Chairman from among its members, for a term of one year. If there is no majority at the election of Chairman, the senior Consul shall be requested to give a casting vote.

Sec. 9.—In case of the absence of the Chairman, the Vice-Chairman shall

## [Whangpoo Conservancy Board.]

take his place. If both of them are absent the members present shall choose among themselves a Chairman *ad hoc*.

Sec. 10.—In all meetings of the Board, if votes are equally divided, the Chairman shall have a casting vote.

Sec. 11.—Four members form a quorum.

Sec. 12.—The Board shall appoint the officials and employees deemed necessary for carrying out the works and enforcing its Regulations; it shall fix their salaries, wages, and gratuities, and shall pay them out of the funds placed at its disposal; it may make Regulations, take every measure necessary concerning its staff, which it can dismiss at pleasure.

Sec. 13.—The Board shall decide on the necessary measures for the regulation of the traffic, including the placing of moorings in the river and the berthing of vessels, between the limits mentioned in Section 3, and on all water-courses (such as the Soochow Creek and others) passing through the French Concession or the International Settlement at Shanghai and the foreign quarter at Woosung, as well as on all the other creeks emptying into the river, for a distance of 2 English miles above their mouths.

Sec. 14.—The Board shall have power to expropriate the private moorings and to establish a system of public moorings in the river.

Sec. 15.—The authorization of the Board shall be necessary to carry out any dredging, to build bunds, to construct jetties or to place pontoons and hulks in the section of the river mentioned in Section 13, including the Soochow and other creeks. The Board may, at its discretion, refuse such permission.

Sec. 16.—The Board has full power to remove all obstacles in the river or the above-mentioned creeks, and to recover if necessary, the cost of so doing from those responsible.

Sec. 17.—The Board has control of all floating lights, buoys, beacons, land-marks, and light-signals within the section of the river and within the creeks mentioned in Section 13, as well as over such marks on the shore as may be necessary for the safe navigation of the river, with the exception of lighthouses, which shall remain subject to Article XXXII of the Treaty of 1858 (No. 6) between Great Britain and China.

Sec. 18.—The improvement and conservancy works of the Whangpoo shall be entirely under the technical control of the Board, even should the carrying out of them necessitate works beyond the limits of its jurisdiction. In this case the necessary orders will be transmitted by, and the work will be done with the consent of, the Chinese authorities.

Sec. 19.—The Board shall receive and disburse all the funds collected for the works and take, in conjunction with the competent authorities, all proper and efficacious measures to insure the collection of the taxes and the enforcement of the Regulations.

Sec. 20.—The Board shall appoint the Harbour-Master and his staff. This department shall act, within the limits of the powers assigned to the Board, in the section of the river indicated in Section 13.

Sec. 21.—The Board shall have power to organize a police and watch service to insure the execution of its Regulations and Orders.

Sec. 22.—The Board shall have the direction and control of the Shanghai (Lower Yang-tsze) pilot service. Licences for pilots for ships bound for Shanghai shall only be issued by the Board and at its discretion.

Sec. 23.—In case of infractions of its Regulations, the Board shall sue offenders in the following way:—

Foreigners, before their respective Consuls, or competent judicial authority; Chinese, or foreigners whose Governments are not represented in China, in the Mixed Court, in the presence of a foreign Assessor.

Sec. 24.—All suits against the Board shall be brought before the Court of Consuls at Shanghai. The Board shall be represented in suits by its Secretary.

Sec. 25.—Members of the Board and persons employed by it shall not incur any personal responsibility for the votes and acts of the Board for contracts made or expenses incurred by the said body, when the said votes, acts, contracts, and expenses concern the carrying out or the enforcement, under the authority or by order of the Board, or of one of its branches, of the Regulations enacted by the said body.

Sec. 26.—Besides the provisions mentioned in Section 13 of this Annex, the Board has power to enact, within the limits of its competency, all necessary Ordinances and Regulations and to fix fines for the violation thereof.

Sec. 27.—The Ordinances and Regulations mentioned in Section 26 shall be

## [Whangpoo Conservancy Board.]

submitted for the approval of the Consular Body ; if two months after presenting the draft of the proposed Ordinances or Regulations the Consular Body has made no objection or suggested no modification, it shall be considered as approved and shall come into force.

Sec. 28.—The Board has power to acquire by purchase the lands necessary for carrying out the works of improvement and conservancy of the Whangpoo, and to dispose of them.

If, for this purpose, it shall be deemed necessary to expropriate land, the Rules laid down in Article 6 (a) (No. 143) of "The Land Regulations for the foreign Settlements of Shanghai, north of the Yang-king-pang," shall be followed. The price shall be fixed by a Committee consisting of :—

1. A person chosen by the authority to whose jurisdiction the owner is subject ;
2. One chosen by the Board ; and
3. One chosen by the Senior Consul.

Sec. 29.—Riparian owners shall have the refusal of all land made in front of their properties by the reclamation carried out for the improvement of the water-ways in question. The purchase prices of these lands shall be fixed by a Committee composed in the same manner as provided for in Section 28.

Sec. 30.—The revenues of the Board will be composed of :—

(a) An annual tax of one-tenth of 1 per cent. on the assessed value of all lands and buildings in the French Concessions and the International Settlement.

(b) A tax of equal amount on all property with water frontage on the River Whangpoo, between a line drawn from the lower limit of the Kiang-nan Arsenal toward the mouth of Arsenal Creek to the place where the Whangpoo falls into the Yang-tsze. The assessed value of this property shall be fixed by the Committee mentioned in Section 28.

(c) A tax of 5 candereens per ton on all vessels of non-Chinese type and of a tonnage exceeding 150 tons entering or leaving the port of Shanghai, Woosung, or any other port on the Whangpoo.

Ships of non-Chinese type, of 150 tons and under, shall pay a quarter of the above-mentioned tax. These taxes shall only be leviable on each vessel once every four months, irrespective of the number of its entrances and clearances.

Foreign-built ships navigating the Yang-tsze and only stopping at Woosung to take their river papers shall be exempted from the above-mentioned taxes on condition that on their way up and down they shall not carry on any commercial transactions at Woosung. They shall, however, be allowed to take in water and supplies at Woosung.

(d) A tax of one-tenth of 1 per cent. on all merchandise passing through the Customs at Shanghai, Woosung, or any other port on the Whangpoo.

(e) An annual contribution from the Chinese Government equal in amount to the contribution furnished by the different foreign interests.

Sec. 31.—The collection of the taxes enumerated in Section 30 shall be effected through the medium of the following authorities :—

Tax (a), by the respective Municipalities.

Tax (b), to be collected from persons under the jurisdiction of Governments represented in China by their respective Consuls ; the taxes to be collected from Chinese, or from persons whose Governments are not represented in China, by the Taotai.

Taxes (c) and (d), by the Imperial Maritime Customs.

Sec. 32.—Should the total annual revenues of the Board not be sufficient for the payment of interest and the amortization of the capital to be borrowed for carrying out the works, for keeping up the completed works, and for the service in general, the Board shall have the power to increase in the same proportion the various taxes on shipping, on land and buildings, and on trade to a figure sufficient to supply its recognized needs. This increase shall be applicable in the same proportion to the contribution of the Chinese Government mentioned in paragraph (e) of Section 30.

Sec. 33.—The Board shall give notice to the High Commissioner of Southern Trade and the Consular Body of the necessity for the increase mentioned in Section 32. It shall only come into force after its approval by the Consular Body.

Sec. 34.—The Board shall submit to the High Commissioner of Southern Trade and to the Consular Body, within six months after the closing of each financial year, its annual accounts, accompanied by a detailed Report on the general management and the receipts and expenditures during the preceding twelve months. This Report shall be published.

Sec. 35.—If the exact and published accounts of receipts and expenditures show

## [Land Regulations. Hankow.]

a balance of receipts over expenses, the taxes mentioned in Section 30 shall be proportionately reduced by the Board and the Consular Body, acting conjointly. This reduction shall be applicable in the same proportion of the contribution of the Chinese Government mentioned in paragraph (e) of Section 30.

Sec. 36.—After the expiration of the first term of three years, the Signatories shall examine, by common accord, such of the provisions contained in the present Annex as may require revision. A fresh revision may take place under the same conditions every three years thereafter.

Sec. 37.—Within the limits mentioned in Section 13, and subject to their approval by the Shanghai Consular Body, the Ordinances of the Board shall have the force of law for all foreigners.

*Peking, September 7, 1901.*

(No. 149.) *LAND REGULATIONS and Bye-Laws of the British Concession at Hankow. May, 1902.*

THE following Regulations and Bye-laws made by His Majesty's Minister to China for the municipal government of the British Concession at Hankow have been approved by His Majesty the King.

LANSDOWNE.

*His Majesty's Principal Secretary of State  
for Foreign Affairs.*

*Foreign Office, London,  
July 6, 1905.*

## CONTENTS.

	Page.
Preamble.....	790
LAND REGULATIONS.	
1. Boundaries .. .. .	790
2. Transfers of land .. .. .	790
2A. Power to acquire land .. .. .	790
3. Management of Concession.. .. .	790
3A. Bund frontage licences .. .. .	1034
4. Municipal Council .. .. .	791
5. Assessment list .. .. .	791
6. Bye-laws .. .. .	792
7. Audit of accounts .. .. .	792
8. Suing defaulters .. .. .	792
9. Recovery of penalties under bye-laws .. .. .	793
10. Breaches of Regulations .. .. .	793
11. Special Meetings .. .. .	793
12. Nomination and election of Municipal Council .. .. .	794
13. Tenure of office .. .. .	794
14. Vacancies in Council .. .. .	794
15. Officers .. .. .	794
16. Funds .. .. .	795
17. Qualification of voters and councillors .. .. .	795
18. List of voters .. .. .	795
19. Persons acting in execution of these Regulations not to be personally liable .. .. .	796
20. How Council to be sued .. .. .	796
21. Definition of Ratepayers .. .. .	796
22. Building and sanitary rules .. .. .	796
Consular veto .. .. .	1095
Municipal Police .. .. .	1105
BYE-LAWS .. .. .	797

The Undersigned, His Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary, acting under the authority conferred upon him by the China and Japan Order in Council, 1881,\* hereby declares the provisions of the Regulations and Bye-Laws of the British Concession at Hankow, as set out in the Schedule hereto, binding upon and to be observed by all British subjects. And in consideration of the urgent necessity for this Regulation the Undersigned hereby further declares that it shall have effect unless and until it shall be disapproved by His Most Gracious Majesty, and notification of such disapproval shall be received and published by me or other His Majesty's Minister in China.

Given under my hand and seal of office at Peking, China, this 19th day of May, 1902.

(L.S.) ERNEST SATOW.

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#### REGULATIONS.

##### *Boundaries.*

1. The limits within which these Regulations and Bye-laws are binding are the British Concession, Hankow, comprising the Concession granted in 1861 and the Extension granted in 1896.

##### *Transfers of Land.*

2. All transfers of land within the British Concession shall be made, and all charges by way of mortgage, whether of a legal or equitable character, shall within one month of execution be registered by the parties or their duly authorized representatives at His Britannic Majesty's Consulate-General.

##### *Power to acquire Land.*

2A. It shall be lawful for the ratepayers, and others entitled to vote as hereinafter mentioned in public meeting assembled, to purchase land leading or being out of the Concession, or to accept land from foreign or native owners, upon terms to be mutually agreed upon between the Council and such foreign or native owners, for the purpose of converting the same into roads, public buildings, and offices, or public gardens and places of recreation and amusement, and it shall be lawful for the Council from time to time to apply such portion of their funds as may be necessary and expedient for the purchase, erection, making and maintenance of such roads, &c.

##### *Management of Concession.*

3. In order that due provision may be made for the better order and good government of the Concession, for the construction and maintenance of public works and buildings, and for cleaning, light-

\* Repealed. See Order in Council of 24th October, 1904 (No. 156), Article 169.

ing, watering and draining the Concession generally, for establishing and maintaining a police force therein, for purchasing and renting lands, houses, and buildings for municipal purposes, for paying the persons necessarily employed in any municipal office or capacity, and for raising money when necessary by way of loan or otherwise for any of the purposes aforesaid, His Britannic Majesty's Consul-General shall as soon as possible after the first day of February in each year, or whenever it may appear to him needful, or on the requisition of twelve (12) of the ratepayers entitled to vote as herein-after mentioned, give notice of a public meeting of such ratepayers to be held not less than fourteen (14) or more than twenty-one (21) days subsequent to that notice to devise ways and means of raising the requisite funds for these purposes, and it shall be competent for such meeting duly assembled and representing one-half at least of the total number of votes on the list of voters drawn up as herein-after prescribed, or a majority thereof, to impose and levy rates and issue licences for the purposes mentioned in the Bye-laws in force, and to declare an assessment in the form of a rate to be made on land and buildings within the British Concession; also to impose other rates and taxes in the form of dues on all goods, merchandise, and treasure landed on, shipped from, or passing through the said Concession.

3A.\*—*Bund Frontage Licences.*

*Municipal Council.*

4. And the said duly qualified voters in public meeting assembled under and in accordance with the provisions of the preceding Article shall appoint in the mode hereinafter prescribed an Executive Committee, hereinafter described as the Municipal Council of the British Concession, of six persons, for the purpose of levying the rates, dues, and taxes hereinbefore mentioned, and applying the funds realized from the same for the purposes aforesaid and for carrying out these Regulations. Such Municipal Council when appointed shall have full power and authority to levy and apply such rates, dues, and taxes for the purposes aforesaid; and shall have power and authority through its duly appointed Secretary to sue for all arrears of such rates, dues, and taxes, and recover the same from all defaulters in the Courts under whose jurisdiction such defaulters may be, and shall also have power to enter and distrain on lands and tenements and to seize and sell goods in respect of which rates, dues, and taxes are in arrear or unpaid.

*Assessment List.*

5. A list of the assessed value of every lot of land and of every building owned by ratepayers within the British Concession shall be drawn up by the Municipal Council, and the owners of such land and

\* See Regulations of 12th January, 1905 (No. 153), and 18th December, 1906 (No. 163).

buildings shall be notified of the said assessed values on or before the 1st December in each year. Any such owner may within one month of receiving such notification protest against such assessed value before His Britannic Majesty's Consul-General, from whose decision an appeal will lie to the Supreme Court.

*Bye-Laws.*

6. When, in pursuance of these Regulations, the above-mentioned Municipal Council shall have been duly elected, all the power, authority, and control conferred by the Bye-laws now sanctioned and annexed to these Regulations, and all the rights and property which by such Bye-laws are declared to belong to such Council elected as aforesaid, shall vest in and absolutely belong to such Council and to their successors in office, and such successors as are duly elected; and the Council shall have power and authority from time to time to make other Bye-laws for the better enabling them to carry out the object of these Regulations, and to repeal, alter, and amend any such Bye-laws, provided such other Bye-laws be not repugnant to these Regulations, and be duly confirmed and published; and provided also that no Bye-laws made by the Council under the authority of these Regulations, except such as relate solely to the Council or their officers or servants, shall come into operation until passed and approved by His Britannic Majesty's Consul-General, and the ratepayers in public meeting assembled, of which meeting and its object fourteen (14) days' notice shall be given by His Britannic Majesty's Consul-General, and shall be confirmed by His Britannic Majesty's Minister.

*Audit.*

7. The accounts of the said Municipal Council shall be audited and made known at least fourteen (14) days before the Annual Public Meeting mentioned in Article 3 of these Regulations, and shall be sanctioned and approved at said meeting.

*Suing Defaulters.*

8. The Municipal Council may, through their Secretary, sue all defaulters in the payment of all assessments, rates, taxes, and dues whatsoever, levied under these Regulations, and all licence-fees, fines, and penalties leviable under the Bye-laws in force, in the Consular or other Courts under whose jurisdiction such defaulters may be, and may obtain payment of the same by such means as shall be authorized by the said Courts. Should the Council be unable to discover the owner of goods in respect of which such default has been made, or should such owner be beyond the jurisdiction of the Consular or judicial authorities, or should such owner have no Consular Representative at Hankow, the Municipal Council shall, with the consent of His Britannic Majesty's Consul-General, be at

liberty to detain such portion of the goods, and use such other means as may be necessary to enforce payment, or in respect of land or house assessment to distrain on the land or houses to such an extent as may be required to satisfy such assessment or dues.

*Recovery of Penalties under Bye-Laws.*

9. Any penalty or forfeiture or fees or licences provided for in the Bye-laws in force, and imposed in pursuance thereof, may be recovered by summary proceeding before the proper Consular authority ; and it shall be lawful for such authority, upon conviction, to adjudge the offender to pay the penalty or incur the forfeiture as well as the costs attending the conviction as such authority may think fit. All fines and penalties levied under these Regulations and the Bye-laws in force shall be carried to the credit of the Council in diminution of the general expenditure authorized by these Regulations.

*Breaches of Regulations.*

10. In case of any breach of these Regulations His Britannic Majesty's Consul-General shall, on being satisfied thereof, take all possible steps to punish or have punished summarily the person guilty thereof by a fine not exceeding \$500 or by imprisonment not exceeding three (3) months, or in such other manner as may seem just.

*Special Meetings.*

11. His Britannic Majesty's Consul-General may, at any time when it appears to him needful or on the requisition of twelve (12) resident ratepayers duly qualified to vote as hereinafter mentioned, call a public meeting, giving at least fourteen (14) days' notice of the same, setting forth the business upon which it is convened, for the consideration of any matter or thing connected with the municipality. All Resolutions passed by a majority of votes at such public meeting aforesaid shall be valid and binding on the whole of the ratepayers, provided not less than two-thirds of the whole number of votes in the list of votes hereinafter mentioned be represented at the meeting. At such meeting His Britannic Majesty's Consul-General shall take the chair ; and, in his absence, then such ratepayer as the majority of voters present may nominate, who shall report to His Britannic Majesty's Consul-General the Resolutions passed at such meeting for his concurrence and approval ; and, unless such approval be officially given, such Resolutions shall not be valid and binding. Provided always that a term of ten days shall elapse between the date of the Resolution and the signification of approval of His Britannic Majesty's Consul-General. In all cases in which the ratepayers in public meeting assembled, as herein provided, decide upon any matter of a municipal nature, not already enumerated, and affecting the general interests, any person considering himself



prejudiced in property or interests by the Resolution may, within the said period of ten days aforesaid, represent his case to His Britannic Majesty's Consul-General for his consideration. After the expiration of the term of ten days, the Consular approval, if signified, shall be binding.

*Nomination and Election of Municipal Council.*

12. During the month of January in each year it shall be competent for any two persons entitled to vote as hereinafter mentioned to nominate any person or persons, not exceeding six (6), duly qualified as hereinafter mentioned for election as members of the Municipal Council; and all such nominations shall be sent in writing to His Britannic Majesty's Consul-General with the signatures of the proposer and seconder and also the written assent to serve of each candidate proposed. The names of all the persons proposed shall on the first day of February next ensuing be exhibited in the Consular office, and kept there exhibited until the date appointed for the annual public meeting, at which all nominations shall be read out to the meeting. If the number is six (6), the election of those six (6) persons shall thereby be confirmed. If the number exceed six (6), the meeting shall elect six (6) of them by ballot. If the number is less than six (6), or if no nomination has been made, the Municipal Council shall continue in office for the current year.

*Tenure of Office.*

13. The Council shall enter upon their office so soon as the accounts of the retiring council shall have been passed at the annual public meeting; and at their first meeting the new Council shall elect a Chairman, Vice-Chairman, and Secretary.

In case of an equal division of votes at a Council meeting the Chairman shall have a second or casting vote. Three members of the Council shall constitute a quorum for the dispatch of business.

In case of the temporary absence of both Chairman and Vice-Chairman from a meeting of Council, the members present shall elect their Chairman for such meeting.

*Vacancies in Council.*

14. In case of a vacancy or vacancies occurring in the Municipal Council during the municipal year, His Britannic Majesty's Consul-General shall, if requested to do so by the remaining members, or at least twelve (12) ratepayers qualified to vote as hereinafter mentioned, convene a special public meeting to fill up such vacancy or vacancies.

*Officers.*

15. The Council may from time to time appoint such officers and servants as they think necessary for carrying out these Regula-

tions, and fix the salaries, wages, and allowances of such officers and servants, and may pay the same out of the municipal funds and make Bye-laws for the government of such officers and servants, and may discontinue or remove any of them from time to time, as they shall think fit.

*Funds.*

16. The Council shall administer the municipal funds only for the public use and benefit, at their discretion, and in accordance with any resolution carried at any general meeting of ratepayers ; and a statement shall be drawn up by them at the end of each year for which the Council has been elected, showing the nature and the amount of the receipts and disbursements of the municipal funds for that year, and the said statement shall be published for general information at least fourteen (14) days before the general meeting is convened.

*Qualification of Voters and Councillors.*

17. At all public meetings, and for the election of Municipal Councillors, any subject of Great Britain, or of any Power having a Treaty with China, who has paid all rates and taxes due, and who is either individually or as a member of a firm, Association, Company, or Government Department a landowner or householder, shall be entitled to one (1) vote if—

(a) Under the assessment in force he has paid land tax on an annual assessment of at least two thousand five hundred taels (2,500 taels) ; or

(b) Under the assessment in force he has paid house tax on an assessed rental of at least five hundred taels (500 taels) ; or

(c) Under the assessment in force he has paid in respect of land and house tax at least twenty-five taels (25 taels). And every such subject having so paid at least one hundred and fifty taels (150 taels) per annum in land or house tax, or both, shall be entitled to two votes ; and every such subject having so paid more than one hundred and fifty taels (150 taels) per annum in land and house tax shall be entitled to one vote, and one only, in respect of every full sum of seventy-five taels (75 taels) so paid as taxes to the Municipal Council.

Provided always that the proxies of such ratepayers and Councillors only as are absent from the Consular district of Hankow, or who are prevented by illness from attending, shall be admitted to vote at such meeting ; and no one shall be qualified to be a member of the Municipal Council unless such person shall be entitled under the foregoing provisions to two votes at least.

*List of Voters.*

18. A list of persons duly qualified to vote under the preceding Regulation, with the number of votes to which each person is so entitled, shall be drawn up by the Municipal Council in duplicate,

and kept exhibited at the Municipal Offices and His Britannic Majesty's Consulate-General; and on or before the 1st March in each year, so soon as the rates of land and house tax have been settled at the annual meeting of ratepayers, this list of voters shall be revised and amended in accordance with the assessment list prescribed in Regulation 5, and after approval by His Britannic Majesty's Consul-General, the revised list shall be exhibited at His Britannic Majesty's Consulate-General and the Municipal Offices, and regulate the voting until and at the next ensuing annual meeting.

*Persons acting in execution of these Regulations not to be personally liable.*

19. No matter or thing done, or contract entered into, by the Council, nor any matter or thing done by any member thereof, or person whomsoever acting under the orders of the Council, shall, if the matter or thing were done, or the contract entered into *bonâ fide* for the purpose of executing these Regulations, subject them, or any of them, personally to any action, liability, claim, or demand whatsoever. And any expense properly and with due authority incurred by the Council, or those acting directly under and in accordance with their orders, shall be borne and repaid out of rates levied under the authority of these Regulations.

*How Council to be sued.*

20. The Council shall be liable to be sued, through their Secretary, in His Britannic Majesty's Court at Hankow, by any person who may deem himself injured by any act of the Council or its officers, and should the plaintiff obtain damages in any such suit, said damages and the costs of such suit shall be summarily recoverable by His Britannic Majesty's Consul-General, and paid out of the funds levied under the authority of these General Regulations.

*Definition of Ratepayers.*

21. The word "ratepayers," whenever it occurs in the foregoing Regulations, shall be taken to mean persons entitled to vote under the terms of Regulation 17.

*Building and Sanitary Rules.*

22. The Council may from time to time make rules with respect to the structure of the walls, foundations, roofs, and chimneys of new buildings for the purpose of securing stability, preventing fires, and promoting public health by securing due ventilation of buildings, and also with respect to drainage of buildings, to water-closets, earth-closets, privies, ash-pits, and cesspools, and also with respect to the temporary or permanent closing as unfit for human habitation of buildings or parts of buildings; and they may further provide for the observance of such rules by enacting therein provisions as

to notices, as to the deposit of plans and sections by persons intending to construct buildings, and as to inspection by the Council; and the Council may remove, alter, or pull down any work begun or done in contravention of such rules, or of any Bye-laws of the Council; provided always that no such rules shall come into operation until they have been submitted to and approved by His Britannic Majesty's Consul-General and until six months after publication.

#### BYE-LAWS.

1. The entire control and management of all public sewers and drains within the limits of these Regulations, and all sewers and drains in and under the roads, and all the works and materials thereunto belonging, whether made at the time of the passing of these Regulations or at any time thereafter, and whether made at the cost of the Council or otherwise, shall vest in and belong to the Council.

2. No sewer or drain shall be made, or any building be erected over any sewer belonging to the Council, neither shall any branch drain be carried into any of the sewers or drains above vested in the Council, without the consent of the Council first obtained in writing. And if, after the passing of the Land Regulations, any sewer or drain be made, or any building be erected, contrary to the provisions herein contained, the Council may demolish the same, and the expenses incurred thereby shall be paid by the person so offending, and shall be recoverable as damages.

3. The expense of maintaining and cleansing all sewers not hereinbefore provided for shall be defrayed out of the rates and taxes, to be levied under Article 1 of these Regulations.

4. It shall not be lawful to erect any house in the Concession, or to rebuild any house in the Concession, without at the same time constructing a drain or drains of such size and materials, and at such level, and with such fall as to the Council shall appear necessary and sufficient for the proper and effectual drainage of the same and its appurtenances in terms of Bye-laws Nos. 1 and 2; the drain or drains so to be constructed shall communicate with such sewers as the Council may direct. And whomsoever erects or rebuilds any house or other building, or constructs any drains contrary to this Bye-law, shall be liable for every such offence to a penalty not exceeding two hundred and fifty taels (250 taels).

5. No new building shall be erected, nor shall any old building be rebuilt, until arrangements shall have been made and approved whereby the land forming, or to form, the site thereof shall be raised to such a height, having regard to the centre of the nearest public road, as the Municipal Council may require, and all alleyways leading to or adjoining such buildings shall be raised and drained by the person building to the satisfaction of the Municipal Council; and whoever shall commence to erect any new building, or to rebuild any old building, and who shall fail to comply with the provisions of this Bye-law, shall be liable for every such offence to a fine not exceeding two hundred and fifty taels (250 taels), and it shall be lawful for the Municipal Council to stop any such building or rebuilding until the provisions of this Bye-law shall have been complied with. No new building shall be erected, nor shall any old building be rebuilt, without drain or drains constructed of such dimensions and such materials and at such a level and with such fall as may appear to the Municipal Council to be necessary and sufficient for the proper and effectual drainage of such building and its appurtenances, and if a public sewer, or a sewer which the Municipal Council are entitled to use, be within one hundred feet (100 feet) of any part of the site of such building the drain or drains so to be constructed shall lead to and communicate with such sewer in such manner as the Council may direct; or if no such sewer be within that distance then the last-mentioned drain or drains may, at the desire of the person building and with the permission of the Council, communicate with and be entered into the nearest of such sewers or such covered cesspool, and whoever shall erect any new building, or rebuild any old building, or construct any drain contrary to this Bye-law, shall be liable for every such offence to a fine not exceeding two hundred and fifty taels (250 taels), and if at any time the Municipal Council shall discover that any building, whether built before or after the passing of this Bye-law, is without such a drain or drains as is or are sufficient for the proper and effectual drainage of the same and its appurtenances,

and if a sewer of the Municipal Council or a sewer which they are entitled to use be within one hundred feet (100 feet) of any part of such building, they may cause notice in writing to be given to the owner or occupier of such building, requiring him, within such reasonable time as may be specified therein, to construct and lay down, in connection with such building, one or more drain or drains communicating with such sewer, of such materials and dimensions at such level and with such falls as may appear to be necessary; and if such notice be not complied with, the Municipal Council, may if they think fit, do the works mentioned or referred to therein, and the expenses incurred by them in so doing, if not forthwith paid by the owner or occupier, shall be defrayed by the Municipal Council, and such expenses shall be recoverable from the owner of the buildings as damages.

Fourteen days before it is intended to commence the erection of any new building, for the rebuilding of any old building, a block plan of the land showing the buildings to be erected thereon shall be submitted to the Municipal Council for their approval. On such plan shall be clearly marked :—

(a) The intended height of the land compared with the centre of the nearest public road.

(b) The position and dimensions of all drains and sewers already constructed or intended to be constructed in connection with such buildings.

(c) The positions and dimensions of all intended fire walls.

(d) The height above the roadway and the width of all intended projections into or over any public road.

Within fourteen days after the said plan shall have been submitted to the Municipal Council the latter shall signify to the person submitting such plan their approval or disapproval, with reasons expressed generally for any disapproval of the same, and no building operations shall be commenced before the Municipal Council have signified their approval of said plan, it being understood that in the event of the Council failing to express their approval or disapproval, with reasons as above, within the above-named period all parties shall be at liberty to proceed as if no such approval were required.

5A. When a notice, plan, or description of any work is required by any Rule made by the Council, the Council shall, within fourteen days after the same has been delivered or sent to them, signify in writing their approval or disapproval, with reasons expressed generally for any disapproval, of the intended work to the person proposing to execute the same.

When the Council incurs expenses in or about the removal of any work executed contrary to any Rule, the Council may recover the amount of such expenses either from the person executing the works removed or from the person causing the works to be executed at their discretion, in the same manner as they may recover penalties under the existing Bye-laws. For the purposes of Regulation 23 the re-erecting of any building pulled down below the first floor, or of any frame building of which only the framework is let down to the first floor, or the conversion into a dwelling-house of any building not originally constructed for human habitation, or the conversion into more than one dwelling-house of a building originally constructed as one dwelling-house only, or the increase in height of the walls of a building, shall be considered the erection of a new building. The Council may, in making any rule under Regulation 23, prescribe the fine with which the contravention thereof shall be punishable, but so that such fine shall not exceed the sum of twenty-five taels (25 taels) for any one offence, or, in case of a continuing offence, the sum of ten taels (10 taels) for every day during which such offence is continued.

The Council may also fix the fees to be charged to the persons who submit plans and specifications under the provisions of the Rules.

6. The Council, and none other, shall be surveyor of all highways within the limits of the aforesaid Regulations, and within those limits shall have all such powers and authorities as any surveyors of highways are invested with in England.

7. The management of the streets, bunding, and jetties, and the laying out and repairing thereof, shall be vested in the Council; and all materials, implements, and other things provided for laying out and repairing said streets, bunding, and jetties shall belong to the Council.

8. The Council may stop up any street, and prevent all persons from passing along and using the same, during the construction, alteration, repair, or demolition of any sewer or drain in or under such street.

9. Every person who wilfully displaces, takes up, or makes any alteration in, the pavement, flags, or other materials of any street, bunding, or jetties under the management of the Council, without their consent in writing, shall be liable to a penalty not exceeding twenty-five taels (25 taels).

## [Land Regulations. Hankow.]

10. The occupier of every building or house in, adjoining, or near to, any street shall, within fourteen days next after service of an order of the Council for that purpose, put up and keep in good condition a shute or trough of the whole length of such house or building, and shall connect the same either with a similar shute on the adjoining house, or with a pipe or trunk tube fixed to the front side of such building from the roof to the ground, to carry the water from the roof thereof in such manner that the water from such house or any portico or projection therefrom, shall not fall upon persons passing along the street, or flow over the footpath, and in default of compliance with any such order within the period aforesaid, such occupier shall be liable to a penalty or fine not exceeding ten taels (10 taels) for every day that he shall so make default.

11. When any building materials or other things are laid, or any hole made in any of the streets, the person or persons causing such hole to be made shall, at his own expense, cause a sufficient light to be fixed in a proper place on or near the same, and continue such light every night from sun-setting to sun-rising while such materials or hole remain; and such person shall, at his own expense, cause such materials or other things and such hole to be sufficiently fenced and inclosed until such materials or other things are removed, or the hole filled up, or otherwise made secure. And every such person who fails so to light, fence, or inclose the same shall, for every such offence, be liable to a penalty not exceeding twenty-five taels (25 taels).

12. If any building, wall, or hole, or other place near any street, be, for want of sufficient repair, protection, or inclosure, dangerous to the passengers along such street, the owner shall repair the same, or, in default, the Council shall cause the necessary repairs to be made, and the expenses of the same shall be recoverable as damages from the owner. If the owner cannot be found, or any agent who will undertake to act for him within the limits of these Regulations, the Council, after giving twenty-eight days' notice of their intention to do so by posting a printed or written notice in a conspicuous place on such building, or on the land on which such building stands, or other place, may take such building or land and sell the same by public auction under Consular injunction, and from and out of the proceeds of such sale reimburse themselves for the outlay incurred, and shall restore any over-plus arising from such sale to the owner of such property on demand; but should the proceeds of such sale not cover the expenses incurred, the Council shall have the same remedies for compelling the payment of the balance as are hereinbefore given to them for compelling the payment of the whole of the said expenses.

13. The Council shall cause all the streets, together with the foot pavements, from time to time to be properly swept and cleansed, and all dust and filth found thereon to be collected and removed, and shall cause all the dust, ashes, and rubbish to be carried away from the houses and tenements of the inhabitants of the Concession at convenient hours and times, and shall cause the privies and cesspools within the said Concession to be from time to time emptied and cleansed in a sufficient and proper manner.

14. The Council may give notice to the owner or occupant of any house or other building to remove or alter any porch, shed, projecting window, step, or any other obstruction or projection, erected or placed against, or in front of, any house or other building within the limits of these Regulations, and which is an obstruction to the safe and convenient passage along any street; and such owner and occupant shall, within fourteen days after the service of such notice upon him, remove such obstruction, or alter the same in such manner as shall have been directed by the Council, and in default thereof shall be liable to a penalty not exceeding ten taels (10 taels); and the Council in such case may remove such obstruction or projection, and the expense of such removal shall be paid by the owner or occupant so making default, and shall be recoverable as damages.

15. No person shall remove mud or sand from the foreshore, or convey mud, sand, or other building materials along the streets and roads of the Concession, without leave in writing first obtained from the Council, under a penalty not exceeding one hundred taels (100 taels) for each offence; and no person shall obstruct the public roads or footpaths with any kind of goods or building materials, without leave in writing first obtained from the Council, under a penalty of ten taels (10 taels) for every twenty-four hours of continued obstruction; and after the first twenty-four hours that notice of removal shall have been given to the owner of the same, or the person using, employing, or having control over the same, or in the absence of any such person, or inability on the part of the agents of the Council to find him, the Council shall remove and retain the same until the expense of such removal shall have been repaid, or may recover the expense of such removal

## [Land Regulations. Hankow.]

as damages, or may sell the same to recover such expenses, holding the balance, if any, after payment of penalties, expenses, and costs to the use of the person entitled to the same.

16. If at any time the Officer of Health, or if for the time being there be no Officer of Health, any two surgeons or physicians, or one surgeon and one physician residing within such limits, certify under his or their hands to the Council that any stagnant pool, ditch, or pond of water, pig-sty, cowhouse, stable, privy, or any other building, construction, or thing is a nuisance to the occupiers of adjacent lots or the public, or that any accumulation of dung, soil, or filth, or other noxious or offensive matter within such limits ought to be removed as being injurious to the health of the inhabitants, the Secretary of the Council shall forthwith give notice to the owner or reputed owner of such dung, soil, or filth, or to the occupier of the land where the same are, to remove the same within twenty-four (24) hours after such notice, and in the case of failure to comply with such notice, the said dung, soil, or filth shall thereupon become vested in the Council, and they, or any person with whom they have contracted at that time for the removal of all such refuse, may sell and dispose of the same, and the money thence arising shall be applied to the purposes of the Council, and they may recover the expenses of such removal from such occupier or owner in the same manner as damages.

17. If any candle-house, melting-house, melting-place, or soap-house, or slaughter-house, or any building or place for boiling offal or blood, or for boiling or crushing bones, or any pig-sty, necessary house, dunghill, manure heap, or any manufactory, building, or place of business within such limits, be at any time certified to the Council by the Inspector of Nuisances or Officer of Health, or if for the time being there be no Inspector of Nuisances or Officer of Health, by any two surgeons or physicians, or one surgeon and one physician, to be a nuisance or injurious to the health of the inhabitants, the Secretary of the Council shall forthwith give notice to the owner or reputed owner or his agent to discontinue or remedy such nuisance within such time as to the Council shall appear expedient.

If any such nuisance be not discontinued or remedied within such time, the person by or on whose behalf the business is carried on shall be liable to a penalty or fine of twenty-five taels (25 taels) for every day during which such nuisance remains unremedied.

18. Every occupier of any building or land within such limits, and every other person who refuses to permit the scavengers employed by the Council to remove such dirt, ashes, or rubbish as by these Bye-laws they are authorized to do, or who obstructs the said scavengers in the performance of their duty, shall for every such offence be liable to a penalty or fine not exceeding twenty-five taels (25 taels).

19. No straw shed, bamboo house, or building of like inflammable material shall be erected within such limits, nor shall contraband goods or merchandise likely to endanger life or cause injury to individuals, such as gunpowder, saltpetre, sulphur, large quantities of spirits, petroleum, naphtha, and other explosive gases or liquids in bulk, stand on the premises of any individual under a penalty or fine recoverable from the offender not exceeding two hundred and fifty taels (250 taels) for the first offence, and not exceeding five hundred taels (500 taels), with confiscation of the goods themselves to the use of the Council, for each succeeding offence.

20.—(a) No owner or occupier of land or buildings outside of and abutting on the British Concession shall be allowed to have an entrance or entrances on to the Concession without a licence first obtained from the Council and countersigned by His Britannic Majesty's Consul-General.

(b) No steam launch or cargo boat or other boat, except pleasure boats, whether kept for private use or let for hire, shall be allowed to be at or use the public jetties of the British Concession without a licence first obtained from the Council and countersigned by His Britannic Majesty's Consul-General.

(c) No person shall open or keep a fair, market, house, or place of public entertainment, billiard, bowling, or dancing saloon, dairy, or laundry, shop or store for the sale of wines, spirits, beer, or other intoxicants, butcher's meat, poultry, or game, slaughter-house or livery stable, or keep for private use, or ply or let or use for hire, any horse or vehicle,\* without a licence first obtained from the Council and countersigned by His Britannic Majesty's Consul-General.

In respect of such licences the Council may impose such conditions and exact such security as the nature of the particular case may require, and the Council may charge such fees in respect thereof as may be authorized at any annual general or special public meeting of ratepayers. And any person offending against or

\* The following addition was inserted subsequently :—

“Motor car, automobile or other vehicle propelled by steam, oil or electricity.”

## [Land Regulations. Hankow.]

infringing the provisions of this Bye-law shall be liable for every offence to a penalty or fine not exceeding one hundred taels (100 taels), and a further penalty or fine for every twenty-four hours of such offending or infringing not exceeding twenty-five taels (25 taels).

21. The Municipal Council is empowered to issue, subject to the approval of His Britannic Majesty's Consul-General in each case, permits to build houses and shops for Chinese occupation upon lots west of the Poyang Road, upon the lot-owners accepting conditions approved by His Britannic Majesty's Consul-General, and publicly notified by the Council, also to issue for each Chinese shop a licence renewable annually, and to charge fees for the same not exceeding ten taels (10 taels) for each building permit, and two taels (2 taels) for each yearly licence.

Permits and licences will be numbered and recorded in registers kept at the Council's offices, and open to inspection by ratepayers.

22. All persons causelessly creating a noise or disturbance, and all persons guilty of furious and improper riding or driving, or the leading of horses up and down the bund and streets for exercise, or who shall commit any act which may legitimately come within the meaning of the term nuisance, shall be liable to a penalty not exceeding ten taels (10 taels).

23. All Chinese passing through or in the Concession after 6 p.m. in the winter and 8 p.m. in the summer, until daylight, must be provided with lighted lanterns, under a penalty of being handed to His Britannic Majesty's Consul-General for transmission to the native authorities.

24. No person may, upon the streets or roads of the British Concession, beg, ask, or solicit alms under pain of such fine and imprisonment as the Consul concerned may adjudge.

25. Save with the written permission of His Britannic Majesty's Consul-General, no person within the limits of the British Concession, except Consular officers and the officers of the Council duly authorized, local volunteers and military and naval officers, shall under any pretence discharge any firearm or carry offensive or defensive arms, such as guns, pistols, swords, daggers, loaded sticks, slung shots, knives, or any weapon of like character, under a penalty or fine not exceeding ten taels (10 taels) or one week's imprisonment, with or without hard labour. Provided always that nothing in this Bye-law be construed to extend to the carrying of fowling-pieces for the purpose of shooting game.

26. It shall be lawful for any officer or agent of the Council, and all persons called by him to his assistance, to seize and detain any person who shall have committed any offence against the provisions of these Bye-laws, and if he be a Chinese subject, or a foreigner belonging to some nationality not represented by a Consul, to hand him to His Britannic Majesty's Consul-General to be disposed of according to law. If the offender be a citizen or subject of some nationality duly represented, he shall be handed over to his own Consul for adjudication.

27. Nothing in these Bye-laws contained shall be construed to render lawful any act or omission on the part of any person which is, or would be, deemed to be a nuisance at common law, from prosecution or action in respect thereof according to the forms or proceeding at common law, nor from the consequences upon being convicted thereof.

28. Every penalty or forfeiture imposed by these Bye-laws, made in pursuance thereof, the recovery of which is not otherwise provided for, may be recovered by summary proceedings before His Britannic Majesty's Consul-General, and upon conviction the offender shall pay the penalty or forfeiture incurred, as well as such costs attending the conviction, as such Consul-General shall think fit.

29. These Bye-laws shall be printed, and the Secretary of the Council shall deliver a copy thereof to every ratepayer applying for the same, without charge, and a copy thereof shall be hung up in the front or in some conspicuous part of the Municipal Office and of His Britannic Majesty's Consulate-General.

Approved this 6th day of May, 1902.

E. H. FRASER,  
*His Britannic Majesty's Consul-General.*

NOTE.—The following Bye-law, respecting dogs, was passed in 1904, and confirmed:—

(a) Dogs, when in the street or other public place, unless led by the leash, shall be effectively muzzled, otherwise they are liable to be seized and detained by the municipal police.

(b) Dogs seized by the police will be restored to their owners on payment of a fine not exceeding \$10.



(c) Foreign dogs, after three days' detention, unless claimed by their owners, shall be liable to be sold, destroyed, or otherwise disposed of, in such manner as the Council may direct, without compensation: Chinese dogs found at large unmuzzled may be destroyed at once.

(d) This Bye-law may be brought into force or suspended by the Council at such time as they may consider necessary.

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(No. 150.) *PROVISIONAL RULES defining the Respective Jurisdiction of the Mixed Courts of the International and French Settlements at Shanghai. Shanghai, 10th June, 1902.\**

*Provisional Rules for defining the respective Jurisdiction of the Mixed Courts of the International and French Settlements.*

1. In all civil cases between Chinese the plaintiff will follow the defendant, and will sue him before the Mixed Court of his (the defendant's) residence.

2. In all criminal cases of Chinese against Chinese, where foreigners are not concerned, and in all police cases against Chinese residents in the Settlements, the Mixed Court of the Settlement in which the crime or contravention has been committed is alone competent.

3. In mixed civil cases—

(a) If the plaintiff is a foreigner (not of French nationality) and the Chinese defendant is a resident of the International Settlement, he is to be sued before the Mixed Court of the International Settlement.

(b) If the plaintiff is French and the Chinese defendant is a resident of the French Settlement, he is to be sued before the Mixed Court of the French Settlement.

(c) If the plaintiff is a foreigner (not of French nationality) and the Chinese defendant is a resident of the French Settlement, the latter shall be sued before the Mixed Court of the International Settlement, whose warrant or summons for his appearance, after counter-signature by the French Consul-General, will be executed or served by the runners of the International Mixed Court, with the assistance of the police of the French Settlement, without previous hearing in the Mixed Court of the French Settlement.

(d) If the plaintiff is French and the Chinese defendant is a resident of the International Settlement, the latter shall be sued before the Mixed Court of the French Settlement, whose warrant or summons for his appearance, after counter-signature by the Senior Consul, will be executed or served by the runners of the French Mixed Court, with the assistance of the police of the International Settlement, without a previous hearing in the Mixed Court of the International Settlement.

\* Parliamentary Paper. China, No. 2 (1903). See Rules for the Mixed Court at Shanghai, dated 20th April, 1869 (No. 129).

## [Land Regulations. Kiukiang.]

4. In criminal cases where a foreigner (not of French nationality) is complainant, the Mixed Court of the International Settlement is competent; if a Frenchman is complainant, the Mixed Court of the French Settlement is competent.

The provisions under clauses 3 (c) and 3 (d) as to executing warrants also apply under this clause.

*Shanghai, June 10, 1902.*

(No. 151.) *LAND REGULATIONS and Bye-Laws of the British Concession at Kiukiang. 20th September, 1902.*

THE following Regulations made by His Majesty's Minister to China for the municipal government of the British Concession at Kiukiang have been approved by His Majesty the King.

LANSDOWNE.

*His Majesty's Principal Secretary of State  
for Foreign Affairs*

*Foreign Office, London,*

*September 20, 1902.*

CONTENTS.

	Page.
1. Boundaries .. .. .	804
2. Definitions .. .. .	804
3. Powers vested in electors .. .. .	805
4. Consul to convene annual meeting of electors. Business of meeting..	806
4A. Bund frontage licences .. .. .	1085
5. Voting power .. .. .	806
6. Binding force of resolutions .. .. .	806
7. Constitution of Council .. .. .	807
8. Power to levy rates and taxes .. .. .	807
9. Distraints .. .. .	807
10. Transient offenders.. .. .	807
11. Penalties may be summarily recovered .. .. .	808
12. Disposal of fines .. .. .	808
13. Council shall be surveyor of highways .. .. .	808
14. Power to acquire land, &c., for municipal purposes .. .. .	808
15. Management of streets, and repairs thereof, to rest in Council; also jetties, &c. .. .. .	808
16. Control of sewers and drains .. .. .	808
17. Officers .. .. .	809
18. Assessments .. .. .	809
19. List of voters .. .. .	809
20. Transfers of lots .. .. .	810
21. Election of Council .. .. .	810
22. Proxies .. .. .	810
23. Authority of Council. Absence .. .. .	810
24. Vacancies .. .. .	810
25. Tenure of office. Treasurer, secretary and chairman .. .. .	811
26. Quorum. Casting vote, &c. .. .. .	811
27. Funds. Audit of accounts .. .. .	811
28. Special meetings .. .. .	811

## [Land Regulations. Kiukiang.]

## CONTENTS—continued.

	Page.
29. Chairman at general meetings .. .. .	812
30. Resolutions .. .. .	812
31. Protests .. .. .	812
32. Final decision to rest with British Minister .. .. .	812
33. Bye-laws .. .. .	812
34. Consul to act where there is no Council .. .. .	813
35. Council may sue and be sued .. .. .	813
36. Persons acting in execution of these Regulations not to be personally liable .. .. .	813
Consular veto .. .. .	1095
Municipal Police .. .. .	1105
BYE-LAWS .. .. .	813

KING'S REGULATIONS under Article 6 of "The China, Japan, and  
Corea Order in Council, 1881."\*

KIUKIANG MUNICIPAL REGULATIONS.

*Boundaries.*

1.—(1) These Regulations may be cited as "The Kiukiang Municipal Regulations, 1902."

(2) The limits within which these Regulations are binding are those of the British Concession, Kiukiang.

*Definitions.*

2. In these Regulations, and in any Bye-laws made thereunder—  
The term "His Britannic Majesty's Consul" means His Britannic Majesty's Consul for Kiukiang, or any other British Consular officer for the time being duly authorized to act in that capacity.

The term "Concession" means the British Concession, Kiukiang.

The term "Council" means the Kiukiang Municipal Council duly elected as hereinafter provided.

The term "meeting" means a general public meeting of electors as hereinafter defined, duly convened as hereinafter provided.

The term "annual meeting" means the annual general public meeting of electors, duly convened as hereinafter provided.

The term "special meeting" means any other general public meeting of electors, duly convened on requisition, or of his own motion, by His Britannic Majesty's Consul as hereinafter provided.

The term "foreign" means British or belonging to a nation having Treaty relations with China; and also covers the persons enjoying the protection of any Treaty Power.

The term "land-renter" means a foreign person or firm being the duly registered renter of one undivided concession lot or of two adjoining half lots, the recognized local agent in actual employment of such firm, or the person holding written authority to act by

\* Repealed. See Order in Council of 24th October, 1904 (No. 156), Article 169.

proxy for any such duly registered renter or agent as aforesaid as may at the time of any meeting be absent from the Consular district of Kiukiang, or unable through sickness or other reasonable cause to attend.

The term "householder" means the foreign resident occupier of a separate dwelling-house situate within the British Concession which shall be assessed by the Council as hereinafter provided, at 300 taels per annum at least, upon which all rates and taxes hereinafter leviable shall have been duly paid seven days at least before the time for the holding of any meeting; or persons holding written authority to act by proxy for such occupier as aforesaid as may at the time of such meeting be absent from the Consular district of Kiukiang.

The term "electors" means the body of land-renters and householders holding the qualifications aforesaid, their agents and proxies as aforesaid.

Words importing the singular or plural number may be construed as referring to one, or to more than one, person or thing, as the circumstances of each case demand.

*Power vested in Electors.*

3. In order that due provision may be made for the better peace, order, and good government of the Concession and all persons resident or being therein, power to deal with the matters following is hereby vested in the electors in public meeting duly assembled, subject to the approval of His Britannic Majesty's Consul and the control of His Britannic Majesty's Minister as hereinafter provided :

The making, building, purchasing, and repairing of roads, bunds, jetties, bridges, drains, and other works of a similar nature.

The regulation and control of all jetties giving access to the Concession from the foreshore or from any pontoons, hulks, or vessels moored abreast of the Concession, and of all such pontoons, hulks, or vessels in so far as used for the landing or shipment of passengers and merchandise.

The public health, watering, and lighting of the Concession.

The supervision of the erection, construction, and alteration of buildings.

The establishment and maintenance of a watch, police, or other protective force.

The acquiring by purchase, lease, or otherwise of land, offices, and buildings for municipal purposes.

The paying of persons necessarily employed in any municipal office or capacity.

The provision of the necessary ways and means for carrying out the above objects by way of rates, taxes, dues, licences, or fees as hereinafter provided, or by way of loan.

The making of Bye-laws as hereinafter provided to carry out the object of these Regulations.

*His Britannic Majesty's Consul to convene Annual Meeting of Electors.  
Business of Meeting.*

4. His Britannic Majesty's Consul shall, between the 8th and 15th day inclusive of January in each year by written notice, call a public meeting of the electors, giving fifteen days' notice of the time and place of the same for the purpose of—

(i) Receiving the report of the Council for the preceding year, and passing its accounts.

(ii) Electing a Council for the ensuing year.

(iii) Devising ways and means of raising the necessary funds for the current year's expenditure, and directing the application of the same.

(iv) Transacting any general business affecting the interests of the municipality : provided, however, that no motion on any subject other than those specified above shall be brought forward unless ten days' written notice of the same shall have been given to His Britannic Majesty's Consul, who, upon receipt thereof, shall publicly notify the electors.

And it shall be competent to the electors at any such meeting to levy such rates on the land and buildings within the Concession as may appear to the majority of those present necessary and advisable, such rate not exceeding 10 per cent. of the assessed annual value of each Concession lot, and 10 per cent. of the assessed annual value of each dwelling-house, office, go-down or other building ; and to impose as such majority may see fit taxes in the form of municipal dues on all goods or merchandise landed in, shipped from, or conveyed within the limits of the Concession not exceeding one-tenth of 1 per cent. of the ordinary value of such goods, or, where no value is declared, not exceeding \$1 cent. per picul : and to empower the Council to enter into agreement with any person making application for such privilege to commute such dues for a fixed annual sum, any such agreement to hold good only during the current municipal year, unless its renewal be specially sanctioned by the electors in the next ensuing annual meeting ; and to impose licence fees.

*4A.\* Bund Frontage Licences.*

*Voting Power.*

5. At any meeting each land-renter shall be entitled to one vote for each lot held by him. Every householder shall in that capacity be entitled to one vote only.

*Binding Force of Resolutions.*

6. All Resolutions passed by a majority of those present and entitled to vote at any annual meeting shall, subject to approval of His Britannic Majesty's Consul and the control of His Britannic

\* See Regulations of 18th December, 1906 (No. 164).

## [Land Regulations. Kiukiang.]

Majesty's Minister as hereinafter provided, be binding upon the whole body of electors and upon all persons thereby rendered liable to pay rates, taxes, or other dues.

*Constitution of Council.*

7. The Council elected in accordance with Regulation 4 shall consist of not more than four and not less than two electors, chosen as hereinafter provided.

The said Council shall be an executive body, with delegated powers to exercise, as hereafter provided, and during its tenure of office the powers by Regulation 3 vested in the electors, save the powers of making Bye-laws.

*Power to levy Rates and Taxes.*

8. The Council shall have full power and authority to levy and collect yearly, half-yearly, or quarterly, as they may decide, the rates, taxes, licence fees, and other dues authorized by these Regulations and any Bye-laws hereafter duly made, and in case of default in payment thereof to sue defaulters before the various authorities under whose jurisdiction they may severally lie; and the Council shall have like power and authority to enforce obedience to these Regulations and to any Bye-laws hereafter duly made, and shall have the like power, in like manner, to recover licence fees thereunder, and the like power, in like manner, to recover the penalties and forfeitures thereby provided for breach thereof, and to sue and prosecute offenders.

*Distraints.*

9. In case the Council shall be unable to discover the owner of goods, merchandise, or other personal property in respect of which rates, taxes, or dues are in arrear or remain unpaid, or in case the said owner shall be beyond the jurisdiction of the judicial or Consular authorities to whom the Council have ordinary access, the Council shall, with the consent of His Britannic Majesty's Consul, be at liberty to distrain and sell such goods, merchandise, or other personal property as may be necessary for the satisfaction of such arrears. And in like case of default in respect of rates or taxes levied on land or buildings to distrain on such buildings, and on the buildings, if any, on such land to such extent as may be necessary to satisfy such rates or taxes.

*Transient Offenders.*

10. It shall be lawful for any officer or agent of the Council, and all persons called by him to his assistance, to seize and detain any person committing any offence against the provisions of any Bye-laws hereafter duly made; and if he be a foreigner of a nationality not locally represented by a Consul, or a Chinese subject, to hand him to His Britannic Majesty's Consul, to be dealt with according to law. If the offender be a foreigner of some nationality locally represented

## [Land Regulations. Kiukiang.]

by a Consul, he shall be handed over to his own Consul for adjudication.

*Penalties may be summarily recovered.*

11. Every penalty, forfeiture, licence, or other sum provided for in these Regulations, or in any Bye-laws hereafter duly made, the recovery of which is not, by Treaty, Convention, or arrangement between His Britannic Majesty's Government and the national authorities of those concerned, or hereunder otherwise provided for, may be recovered by summary proceedings before His Britannic Majesty's Consul, and upon conviction the offender shall pay the same, as well as such costs attending the conviction as such Consul shall think fit.

*Disposal of Fines.*

12. All fines and penalties levied under these Regulations, or any Bye-laws hereafter duly made, shall be carried to the credit of the Council in diminution of the general expenses authorized by these Regulations.

*Council shall be Surveyor of Highways.*

13. The Council, and none other, shall be surveyor of highways within the limits of these Regulations, and within those limits shall have all such powers and authorities as surveyors of highways are invested with in England.

*Power to acquire Land, &c., for Municipal Purposes.*

14. The Council shall, with the consent of a meeting of the electors, have power to acquire, by purchase, lease, exchange, or gift, land, offices, and other buildings lying within or without the Concession, for general municipal purposes, including the extension of old, or the making of new, lines of roads, the improvement of communications generally, and for cemeteries and sanitary purposes.

*Management of Streets, and repairs thereof, to vest in Council; also Jetties, &c.*

15. The control, management, and policing of all roads, streets, bridges, bunding, jetties, hulks, or other landing places, of all public gardens, municipal buildings, cemeteries, and other public places lying within the Concession, or without it, but acquired in accordance with these Regulations, shall be vested in the Council. All materials, implements, and other things provided for laying out and repairing all such roads and other public places and buildings shall belong to the Council.

*Control of Sewers and Drains.*

16. The entire control and management of all public sewers and drains within the Concession or made upon land lying without it, but acquired in accordance with these Regulations, and all sewers and drains in and under the roads, and all the works and

materials thereunto belonging, whether made at the time of the passing of these Regulations or at any time thereafter, and whether made at the cost of the Council, or otherwise, shall vest in and belong to the Council.

*Officers.*

17. The Council may from time to time appoint a Secretary and such other officers and servants as they think necessary for carrying out these Regulations, and fix their salaries, wages, and allowances and may pay the same out of the municipal funds, and make rules for the government of such officers and servants, and may discontinue or remove any of them as it shall see fit; but no engagement shall be entered into with any officer or servant for a longer term than two years, without the special authority of a meeting of the electors.

*Assessments.*

18. The Council shall make, or cause to be made, an assessment of all land, dwelling-houses, and other buildings within the limits of the Concession, and such assessment shall be entered in a book provided for the purpose, and on or before the 1st day of December exhibited for the information of the public in or at the office of His Britannic Majesty's Consul. It shall be competent for any ratepayer feeling himself aggrieved by such assessment to claim a reconsideration of the valuation of any building or lot of land in which he may be interested, provided that such claim be lodged within a period of ten days after the exhibition of the said assessment. Such claim shall be heard by an Appeal Committee, consisting of one or more members of the Council, and an equal number of electors not members of the Council nominated by His Britannic Majesty's Consul, whose decision, when given, shall be final and conclusive, provided that in case the said Committee be equally divided in opinion as to any such claim, they shall refer the matter to His Britannic Majesty's Consul, whose decision thereon shall be final and conclusive. Such assessment shall be amended from time to time as circumstances shall require, subject in every such case to the right of appeal as set forth above. Such assessment shall on the 1st December in every year be exhibited, and if no alteration shall have been made there re-exhibited, as aforesaid, and shall, subject to said right of appeal, form the basis on which rates or taxes shall be assessed, and electors being householders qualified.

*List of Voters.*

19. Ten days previous to the annual or any special meeting, His Britannic Majesty's Consul shall communicate to the Council a list of the registered lessees of land within the Concession. The Council shall thereupon, on the basis of such list and the assessment made as aforesaid, cause an official list to be made of all persons entitled to vote as land-renters or householders, and of the votes in



detail to which each may be entitled, which said list shall be sent to His Britannic Majesty's Consul, and publicly exhibited in his office five days at least before any meeting. Corrections of the list may be made by His Britannic Majesty's Consul up to forty-eight hours of the time of holding the meeting on proof of error or omission being given to his satisfaction. Votes shall only be allowed at any meeting in accordance with the said list so corrected.

*Transfers of Lots.*

20. All transfers of lots or portions of lots in the Concession shall be made by the parties to the transfer, or their representatives duly authorized thereto, in the presence of His Britannic Majesty's Consul, and shall be registered in the books for the registration of land kept at His Britannic Majesty's Consulate, Kiukiang.

*Election of Council.*

21. On or before the 8th day of January in each year the Council shall deposit with His Britannic Majesty's Consul a Notice containing the names of such electors qualified to serve as members of the Council for the ensuing year as have declared to the Council their willingness to accept such office accompanied by a certificate of such willingness signed by the candidates and by two other electors in each case as proposer and seconder : His Britannic Majesty's Consul shall forthwith cause the said Notice to be publicly exhibited in his office until the day fixed for the annual meeting. Should the number of such candidates exceed four a ballot shall be taken at the annual meeting, and the four persons who shall obtain the largest number of votes shall be duly declared elected to serve as the Council for the ensuing year, or until their successors be duly elected. In case the number of candidates be not more than four and not less than two, the persons whose names have thus been publicly notified shall be by His Britannic Majesty's Consul declared duly elected.

*Proxies.*

22. Proxies to be valid must be exhibited to His Britannic Majesty's Consul before any meeting and approved by him.

*Authority of Council. Absence.*

23. When, in pursuance of these Regulations, the Council shall be duly elected, all power, authority, and control conferred by these Regulations, and all the rights and property therein declared to belong to the Council, shall vest in and absolutely belong to them. Any member of the Council absent from Kiukiang for more than three months shall be held to have thereby resigned his seat on the Council.

*Vacancies.*

24. In case of a vacancy or vacancies occurring in the Council during their term of office : If the Council be reduced to not less than

two elected members, then the remaining members of the Council shall have power to fill up such vacancy or vacancies by the co-option of an elector or electors; if the Council be reduced to less than two elected members, then His Britannic Majesty's Consul shall forthwith summon a special meeting of electors and an election take place to fill up such vacancy or vacancies in the same manner as provided for the annual election.

*Tenure of Office. Treasurer, Secretary and Chairman.*

25. The Council shall enter upon office as soon as the accounts of the retiring Council have been passed at the annual meeting, and shall remain in office until its own accounts have, in like manner, been passed and its successors duly appointed. At its first meeting the Council shall elect one of its members to be Chairman and another to be Treasurer; the Council shall either, as empowered by Regulation 17, appoint or retain a paid officer of the Council as Secretary, or elect one of its own members to fill such office. In the temporary absence of the Chairman, the members present at any meeting of the Council shall elect one of their number Chairman of the meeting.

*Quorum. Casting Vote, &c.*

26. Two Councillors assembled at a meeting of the Council shall constitute a quorum for the dispatch of business. On all questions on which the Councillors present are equally divided in opinion the Chairman of the meeting shall have a second or casting vote. Should the Council consist of two members only, any matter or question which they are unable to agree upon may be submitted by them to His Britannic Majesty's Consul for his decision thereon.

*Funds. Audit of Accounts.*

27. The Council shall administer the municipal funds at its disposal solely for the public use and benefit. Proper books of accounts shall be kept by the Council, and it shall draw up a detailed statement of accounts at the end of the year for which it has been elected, showing the nature and amount of the receipts and disbursements of the municipal funds for that year for presentation to the forthcoming annual meeting. Such statement shall be publicly exhibited in His Britannic Majesty's Consulate, and a copy or copies thereof shall be circulated for general information at least one clear week before the annual meeting. The accounts shall be audited before publication by an auditor appointed by the Council, and to whom the Council shall be empowered to pay a remuneration for his services.

*Special Meetings.*

28. His Britannic Majesty's Consul shall at any time when it may appear to him needful, or upon the requisition of four or more electors, call a special meeting of electors giving fifteen days' notice of the same, and setting forth the business for the consideration of

which it is convened. At such special meeting it shall be competent to the electors to discuss any subject or matter which might legally be brought forward at an annual meeting, provided that notice of such discussion has been inserted in the summons calling the meeting. All resolutions passed by a majority of those present and entitled to vote at such special meeting shall be equally valid and binding as though passed at an annual meeting, provided that not less than two-thirds of the electors be present or duly represented, subject to the approval of His Britannic Majesty's Consul and the control of His Britannic Majesty's Minister as hereinafter provided.

*Chairman at General Meetings.*

29. At all general meetings of the electors, whether annual or special, His Britannic Majesty's Consul shall take the Chair. In the absence of His Britannic Majesty's Consul the Chair shall be taken by such elector as the majority of those present and entitled to vote may nominate, who shall report to His Britannic Majesty's Consul as soon as practicable all resolutions passed at such meeting for his sanction and approval.

*Resolutions.*

30. His Britannic Majesty's Consul shall approve or disapprove of such resolutions within five days of the holding of any such meeting or of the report to him of such resolution as the case may be.

Every resolution when so approved or disapproved to be at once published and publicly suspended outside His Britannic Majesty's Consulate, Kiukiang, for a term of ten clear days.

*Protests.*

31. Any person considering himself prejudiced in property or interest by any resolution affecting municipal or general interests passed and approved as aforesaid may, within the above period of ten days, protest in writing to His Britannic Majesty's Consul, who shall allow or disallow the protest at his discretion. In case such protest be allowed by His Britannic Majesty's Consul, he shall thereupon indorse the said resolution as disallowed on protest and inform the Council thereof.

*Final Decision to rest with His Britannic Majesty's Minister.*

32. In case His Britannic Majesty's Consul disapprove of any resolution passed at any meeting, either at his own discretion or on the consideration of any protest made as aforesaid, it shall be competent for the Council, within a period of ten days from such disapproval, to refer the matter on behalf of the electors to His Britannic Majesty's Minister at Peking, through His Britannic Majesty's Consul, and the Minister's decision thereon shall be final and conclusive.

*Bye-Laws.*

33. The electors in special meeting shall have power and authority to pass from time to time Bye-laws for the better enabling them to

carry out the object of these Regulations, or to repeal, alter, or amend those already made, provided that such Bye-laws, or any alterations or amendments thereto, be not repugnant to the provisions of these Regulations, and that such Bye-law, or Bye-laws, alteration, or amendment have been passed by a majority of at least two-thirds of the total number of votes given thereon. But no Bye-law so passed shall come into force till approved of by His Britannic Majesty's Minister.

*His Britannic Majesty's Consul to act when there is no Council.*

34. In the event of there being no Council, His Britannic Majesty's Consul shall forthwith take all necessary steps to the calling of a meeting of the electors to elect a new Council, and shall until such Council be elected, and in so far as circumstances permit, exercise the powers vested in the Council by these Regulations and the Bye-laws thereto.

*Council may sue and be sued.*

35. The Council may sue and be sued in the name of their Secretary for the time being, and their Secretary, acting on their behalf, shall have all the rights and privileges which private complainants have during suit and to recover and enforce judgments obtained by them, and shall also incur the obligations and liabilities which private defendants have before and after judgment in proceedings at law or suits in equity commenced against them.

Provided that the said Secretary shall not in such case or cases be personally liable, but only the property of the Council. All proceedings against the Council or such Secretary shall be commenced in His Britannic Majesty's Provincial Court at Kiukiang, and there prosecuted subject to the Rules and Regulations of His Britannic Majesty's Supreme Court for China and Corea as to appeal from such Court and as to the removal of causes pending therein.

*Persons acting in execution of these Regulations not to be personally liable.*

36. No matter or thing done or omitted or contract entered into by the Council, nor any matter or thing done or omitted by any member thereof, or person acting under the orders of the Council, shall, if done, omitted, or entered into in good faith, for the purpose of executing these Regulations, subject them, or any of them, personally to any action, liability, claim, or demand whatsoever. All expenses incurred properly and with due authority by the Council, or any member thereof, or any person acting under their authority or direction, shall be borne and repaid out of the taxes, rates, dues, or other moneys levied under the authority of these Regulations.

BYE-LAWS ANNEXED TO THE LAND REGULATIONS, KIUKIANG.

1. All buildings erected within the Concession after the making of the Regulations shall have their external walls built of brick, stone, iron, or other non-combustible materials; the boundaries of lots shall not be built upon so as to form part

of any building or buildings ; no porch, step, verandah, shed, window, cave, cornice, or other projection beyond the wall of any building shall jut out or project into or over public roads or adjacent lots ; and if after the making of the Regulations any building or projection shall be at variance with the provisions herein contained, His Britannic Majesty's Consul shall, on the application of the Secretary of the Council, give orders for the removal of the same within a reasonable period, on the expiry of which period, in case the said building or projection shall not have been altered or removed, it shall be competent for the Council to remove or alter it, and the expenses incurred thereby shall be repaid by the person so offending and be recoverable as damages.

2. No building of any kind shall be erected within the Concession unless a plan of same specifying its intended position, size, and the materials of which it is to be built shall first be submitted to the Council and approved, under a penalty or fine recoverable from the offender not exceeding one hundred dollars (\$100), and with a further fine not exceeding twenty-five dollars (\$25) for each day during which such building shall be retained without the alterations which the Council deem desirable and of which notice shall have been given to the offender being carried out.

3. No sewer or drain shall be made, nor any building be erected over any sewer belonging to the Council, nor shall any branch drain be carried into any of the sewers or drains belonging to the Council, without the consent of the Council first obtained in writing.

4. All sewers and drains within the Concession, whether public or private, shall be provided by the Council, or other persons to whom they severally belong, with proper traps, coverings or means of ventilation so as to prevent stench.

5. It shall not be lawful to erect or to rebuild any house in the Concession without at the same time constructing a sewer, drain, or drains, of such size and materials, at such level, and with such fall as to the Council shall appear necessary and sufficient for the proper drainage of the same and its appurtenances. The sewer, drain, or drains to be constructed shall communicate with such sewers as the Council may direct, and whosoever erects or rebuilds any house or other building, or constructs any sewer, drain, or drains contrary to this Bye-law shall be liable for every such offence to a penalty not exceeding one hundred dollars (\$100). Provided moreover that if after the making of the Land Regulations any sewer, drain, house, or building be made, erected, built, or rebuilt, contrary to the provisions of this and the foregoing Bye-laws, the Council may demolish the same, and the expenses incurred thereby shall be paid by the person so offending, and shall be recoverable as damages.

6. It shall be competent to the Council when it is proved to their satisfaction that any house in the Concession is not connected with a drain, to call upon the owner or occupier to connect the same with one or other of the Municipal sewers or drains, and should he fail to do so within a reasonable time of such notice being received by him, he shall be liable to a fine of one hundred dollars (\$100), and a further penalty of twenty-five dollars (\$25) during each month the offence continues.

7. Every person who wilfully displaces, takes up, or makes any alteration in the pavement, flags, timbers, or other materials of any street, bunding, bridge, or jetty under the control of the Council without their consent in writing shall be liable to a penalty not exceeding twenty-five dollars (\$25).

8. When any building materials or other things are laid on, or any hole left in any road or street, whether the same be done by order of the Council or not, the person or persons laying such materials or causing such hole to be made, shall, at his own expense, cause a sufficient light to be fixed in a proper place on or near the same, and shall continue such light every night from sunset to sunrise while such materials or hole so remain ; and such person shall, at his own expense, cause such materials or other things and such hole to be sufficiently fenced and enclosed until the same be removed or otherwise made secure. And every such person who fails to light, fence, or enclose the same, shall for every such offence be liable to a penalty not exceeding twenty-five dollars (\$25).

9. If any building, wall, or hole or other thing or place near any road or street be, for want of sufficient repair, protection, or enclosure, dangerous to the passengers along such road the owner shall repair the same, or in default the Council shall cause the necessary repairs to be made, and the expense of the same shall be recoverable as damages from the owner. If the owner cannot be found or any agent who will undertake to act for him, in the Concession, the Council, after giving one month's notice of their intention to do so, by posting a printed or written notice in a conspicuous place on such building or the land whereon such building or other nuisance is immediately situate :—As to such building the Council may (with the approval of His Britannic Majesty's Consul) sell the same

by public auction, and from and out of the proceeds arising from such sale reimburse themselves for the outlay incurred, and shall hold the balance, if any, to the use of the owner when found.—As to such land, the Council may, with the like approval, occupy and use the same for public purposes in trust to deliver the same to the owner claiming the same within the time limited by the English Law of Limitation, and, after such period, absolutely. Should the proceeds of such sale or occupation not cover the expenses incurred, the balance shall be recoverable from the owner as damages.

10. The Council may give notice to the owner or occupier of any house or other building to remove or alter any porch, step, verandah, projecting window, shed, or other obstruction or projection erected or placed against or in front of any house or other building within the Concession, and which is an obstruction to the safe and convenient passage along any road or street; and such owner or occupier shall within fourteen days after the service of such notice upon him, remove such obstruction, or alter the same in such manner as shall have been directed by the Council, and in default thereof shall be liable to a penalty not exceeding ten dollars (\$10), and the Council may in such case remove such obstruction or projection and the expense of such removal shall be paid by the owner or occupier so making default, and shall be recoverable as damages.

11. The Council may close any road or street to traffic during the construction, alteration or repair of the same, or of any sewer or drain therein or thereunder or during the demolition thereof.

12. No person shall without the special permission of the Council obstruct any road, street, or footpath under the control of the Council with any kind of goods or building material under a penalty not exceeding fifty dollars (\$50) and of a further penalty not exceeding twenty-five dollars (\$25) for every day of continued obstruction. In case of continued obstruction the Council may, after notice, seize, remove, and, for the recovery of any fine enforced and expense incurred, sell the said goods or merchandise.

13. In case of any stable, cow-house, privy, stagnant pool, ditch, or other building, construction, or thing, being reported as a nuisance by the Medical Officer of Health, or his duly appointed substitute, the Council shall forthwith give notice to the owner or occupier or reputed owner or occupier or his agent, that such nuisance must be abated or removed within a reasonable time named in such notice, and if the same be not abated or removed accordingly the Council may abate such nuisance at the expense of the owner or occupier of such property, the same being recoverable as damages.

14. No mud or litter of any kind shall be brought into or carried through the Concession without the permission in writing first obtained of the Council. No person shall carry or cause to be carried, any load, or ride, drive or lead any horse, cattle, sedan-chair, carriage, bicycle, wheelbarrow, or other vehicle not being an infant's or invalid's perambulator or hand carriage upon any part of the public roads reserved as a side path for foot passengers.

15. The Council shall cause all the streets together with the foot pavements from time to time to be properly swept and cleansed, and all dust and filth to be collected and removed therefrom; and shall cause all dust, ashes, and rubbish to be removed away from the houses and tenements in the Concession at reasonable times, and shall cause privies and cesspools within the said limits to be from time to time properly emptied and cleansed. Every owner or occupier of premises within the Concession who hinders or interferes with the employees of the Council in such removal and cleansing shall for every such offence be liable to a penalty not exceeding twenty dollars (\$20).

The accumulating of nightsoil within the Concession is hereby forbidden. The Council may give notice to the owner or occupier of any land or buildings on or within which any such accumulation may be, to remove the same within a reasonable time named in such notice; any person failing to comply with such notice shall be liable to a penalty not exceeding twenty dollars (\$20), and the Council shall be empowered to enter upon the premises and abate such nuisance at the expense of such owner or occupier.

The dumping of garbage on the bund apron or foreshore is hereby forbidden. Any person either personally or by his servants so doing shall be liable to a penalty not exceeding ten dollars (\$10) for each offence.

16. Save by special leave of the Council no straw shed, bamboo house, or building of like inflammable nature shall be erected within the Concession; nor shall goods or merchandise likely to endanger life or cause injury to property, such as gunpowder, saltpetre, sulphur, large quantities of spirits in bulk, petroleum,

## [Jurisdiction. Weihaiwei. Amendment.]

naphtha, or other explosive or dangerous articles stand on the premises of any person within such limits, under a penalty not exceeding two hundred and fifty dollars (\$250) for the first and not exceeding two hundred and fifty dollars (\$250) for every succeeding offence, and confiscation of the cause of offence.

17. No person shall open or keep any spirit shop or place for the retail sale or smoking of opium, pawnshop, hotel, lodging or eating house, theatre, music hall, billiard saloon, or house of entertainment within the Concession, without a licence first obtained from the Council, and countersigned by His Britannic Majesty's Consul, under a penalty not exceeding one hundred dollars (\$100). The various sums payable to the Council on issue of licences shall be those resolved upon by the electors at the annual or in special meeting assembled, not exceeding the following, that is to say:—

For every spirit, wine or beer shop, for every three months, from \$5 to \$200.

For every public tea or coffee house, and opium shop, for every three months, from \$5 to \$200.

For every pawnbroking establishment, for every three months, from \$10 to \$100.

For every hotel, lodging-house, tavern, or place of public entertainment, for every three months, from \$5 to \$200.

For every public billiard table, for every three months, \$5.

For every theatre, music hall, circus, or dancing saloon, for every night open, from \$5 to \$200.

Any lotholder or other owner or occupier of land or buildings on the Concession who may permit his premises or any part thereof to be used by any tenant or other person for any of the purposes aforesaid, after one month's notice by the Council that such use is unlicensed, shall be liable to a fine not exceeding one hundred dollars (\$100) with an additional fine not exceeding ten dollars (\$10) for every twenty-four hours of continued disobedience of this Bye-law.

18. All persons creating a disturbance or any noise, and all persons guilty of furious or improper riding or driving or the leading of horses up and down the bund or other streets of the Concession for exercise, so as to be a public nuisance, or firing crackers or discharging guns or other firearms within the Concession, or who shall commit any act which may legitimately come within the meaning of the term nuisance shall be liable to a penalty not exceeding fifty dollars (\$50).

Gambling of every description is hereby prohibited within the Concession. The owner or occupier of any place or building who permits on his premises any infringement of this Bye-law, after receipt of notice from the Council, shall be liable to a penalty not exceeding one hundred dollars (\$100).

19. Nothing in these Bye-laws contained shall be so construed as to render lawful any act or omission on the part of any person which is, or would be, deemed to be a nuisance at Common Law nor to protect such person from prosecution or action in respect thereof according to the forms or proceedings at Common Law, nor from the consequences of conviction therefor.

20. Infringement of any of the foregoing Bye-laws or of any Bye-law hereafter duly made, and for the breach of which no penalty is provided, shall subject the offender, on conviction, to a penalty not exceeding twenty-five dollars (\$25), and for continuance of the offence to a further penalty not exceeding five dollars (\$5) for each day it may last.

(No. 152.) *ORDER IN COUNCIL amending the Weihaiwei Order in Council of 1901. London, 12th March, 1903.\**

At the Court at Buckingham Palace, the 12th day of March, 1903.

PRESENT: THE KING'S MOST EXCELLENT MAJESTY.

Lord President.  
Earl of Kintore.

Sir Francis Bertie.  
Sir William Walrond.

WHEREAS it is expedient to amend the Wei-hai-Wei Order in Council, 1901 (hereinafter called the Principal Order) so as to

\* "London Gazette," 13th March, 1903. Laid before both Houses of Parliament, in pursuance of the Foreign Jurisdiction Act, 1890 (Section 11. See page 705), 17th March, 1903.

enable the Commissioner to appoint an officer to act as a Magistrate subject to and pending the confirmation of such appointment by the Secretary of State :

Now, therefore, His Majesty by virtue of the Powers in this behalf by the Foreign Jurisdiction Act, 1890 (**No. 135**), and otherwise in him vested, is pleased by and with the advice of His Privy Council to order, and it is hereby ordered, as follows :—

1. This Order may be cited as the Wei-hai-Wei Order in Council, 1901, Amendment Order, 1903, and shall be read and construed as part of the Wei-hai-Wei Order in Council, 1901 (**No. 146**).

2. The following paragraphs shall be added to clause fourteen of the Principal Order :—

(3) The Commissioner may from time to time by writing under his hand and seal appoint any fit person to be provisionally a Magistrate for any district of the said territories.

(4) Every person so provisionally appointed shall exercise the powers and perform the duties of a Magistrate according to the provisions of this Order pending the confirmation or disallowance of his appointment by the Secretary of State.

(5) The Commissioner shall without delay report every such provisional appointment to the Secretary of State for his confirmation or disallowance.

A. W. FITZROY.

(**No. 153.**) *ORDER IN COUNCIL* declaring Shanghai to be a Port of Registry, Appointment of Registrar, &c. London, 15th July, 1904.\*

ARRANGEMENT OF ARTICLES.

Article.	Page.
1. Shanghai to be a port of registry .. .. .	818
2. Registrar .. .. .	818
3. Deputy Registrar .. .. .	818
4. Seal .. .. .	818
5. Proof of signature .. .. .	818
6. Powers of Registrar .. .. .	818
7. Certificate of mortgage or sale .. .. .	819
8. Transfer of ships between British subjects .. .. .	819
9. Transfer to British subject by foreigner .. .. .	819
10. Registry of ship provided with sailing letters .. .. .	819
11. Passes .. .. .	820
12. Powers of Minister .. .. .	820
13. Appointment of surveyors .. .. .	820
14. Pass to unregistered ship to Shanghai .. .. .	821
15. Pass to unregistered ship to British port .. .. .	821
16. Exemption of lorchas .. .. .	821
17. Instructions and scale of fees .. .. .	821
18. Repeal .. .. .	821
19. Interpretation .. .. .	821
20. Short title .. .. .	822
Schedules .. .. .	822

\* "London Gazette," 19th July, 1904. Laid before both Houses of Parliament, in pursuance of the Foreign Jurisdiction Act, 1890 (Section 11 See page 705), 22nd July, 1904.



## [Shanghai Shipping Registry.]

At the Court at Buckingham Palace, the 15th day of July, 1904.

PRESENT : THE KING'S MOST EXCELLENT MAJESTY.

Lord President.

Mr. Charles Booth.

Lord Privy Seal.

Colonel W. S. Kenyon-Slaney.

Earl of Kintore.

Mr. J. Parker Smith.

WHEREAS by Treaty, grant, usage, sufferance, and other lawful means, His Majesty the King has jurisdiction within the dominions of the Emperor of China and of the Emperor of Corea :

And whereas by Section 88 of the Merchant Shipping Act, 1894,\* it is enacted that where, in accordance with the Foreign Jurisdiction Acts, His Majesty exercises jurisdiction within any port out of His Majesty's dominions, it shall be lawful for His Majesty by Order in Council to declare such port a port of registry, and by the same or any subsequent Order in Council to declare the description of persons who shall be the Registrars of British ships at such foreign port of registry, and to make regulations with respect to the registry of British ships thereat :

Now, therefore, His Majesty, by virtue and in exercise of the powers in this behalf by the Foreign Jurisdiction Act, 1890 (**No. 135**), or otherwise in His Majesty vested, is pleased by and with the advice of His Privy Council to order, and it is hereby ordered, as follows :—

1. The port of Shanghai shall be a port of registry under the said Act, and the provisions of this Order shall have effect accordingly.

2. The Registrar at the said port shall be such one of the Consular officers at Shanghai as the Secretary of State appoints in writing.

3. His Majesty's Minister in China may from time to time, in case of the absence or intended absence from Shanghai or in case of the illness of the Registrar, appoint by writing under his hand a fit person to be the deputy of the Registrar for the time therein mentioned ; but every such appointment shall be revocable at pleasure by the Minister by writing under his hand.

The person so appointed shall, during the continuance of his appointment, have all the power and authority of the Registrar.

4. The Registrar shall have and use a seal bearing such style and device as the Secretary of State shall from time to time direct.

5. Every signature or seal affixed to any instrument purporting to be the signature or the seal, as the case may be, of the Registrar, shall, for all purposes under this Order, without any proof thereof, be presumed to be genuine, and shall be taken as genuine until the contrary is proved.

6. The Registrar of shipping at Shanghai shall have the same powers as any Registrar of shipping appointed under the Merchant Shipping Act, 1894 ; and for the purpose of enforcing the provisions of the said Act and of this Order, the said Registrar shall have the

\* "Hertslet's Commercial Treaties." Vol. 20. Page 372.

## [Shanghai Shipping Registry.]

same powers as by the said Act are conferred for the purposes of registration and measurement on any officer of Customs or on any officer of the Board of Trade.

7. A certificate of mortgage or sale, granted in pursuance of the Merchant Shipping Act, 1894, by the Registrar at Shanghai, may contain powers to be exercised at any place situate beyond the port of Shanghai within the limits of this Order.

8. On the transfer of a ship from one British subject to another under a certificate of sale, at any port in Corea, or at any port in China other than Shanghai, the Consular officer of such port shall endorse an entry of the transfer on the certificates of registry and sale of the said ship, and should the purchaser be desirous of registering the said ship at Shanghai, the said Consular officer shall, if requested so to do by the purchaser or transferee or other duly authorized person, forward to the Registrar at Shanghai the bill of sale and the declaration of ownership, together with the aforesaid certificates and a certificate of any survey of the said ship that may be required for the purposes of registry anew under the Merchant Shipping Acts; and upon receiving the same, the said Registrar shall register the said ship anew, and shall either retain the new certificate of registry, or forward the same to the Consular officer or to the Registrar of shipping at such port or place as such purchaser or transferee or authorized person shall require; and on such request the said certificate shall be forwarded by any Consular officer or Registrar, into whose hands the same may come, to any other Consular officer or Registrar, to be handed by him to the master of the said ship when the requirements of the Merchant Shipping Acts as to marking the said ship shall have been complied with.

9. On the transfer of a foreign ship to a British subject at any port in Corea or at any port in China other than Shanghai, should the purchaser be desirous of registering the said ship at Shanghai, the said Consular officer of such port shall, if requested so to do by the purchaser or transferee or other duly authorized person, forward to the Registrar at Shanghai the bill of sale, the declaration of ownership, and a certificate of any survey of the said ship that may be required for the purposes of registry under the Merchant Shipping Acts; and upon receiving the same the said Registrar shall grant a certificate of registry for the said ship, and shall either retain the said certificate or forward the same to the Consular officer or to the Registrar of shipping at such port or place as such purchaser or transferee or other authorized person shall require; and on such request the said certificate shall be forwarded by any Consular officer or Registrar, into whose hands the same may come, to any other Consular officer or Registrar, to be handed by him to the master of the said ship when the requirements of the Merchant Shipping Acts as to marking the said ship shall have been complied with.

10. Lorchas and other Chinese and Corean rigged ships, or other ships provided with sailing letters or documents of the nature of

## [Shanghai Shipping Registry.]

sailing letters granted by His Majesty's Minister in China or Corea shall, on their first arrival at any port in Corea, or at any port in China other than Shanghai, where there is a surveyor, be surveyed, and the Consular officer of such port shall transmit to the Registrar at Shanghai the said sailing letter, and a certificate of any survey of the said ship that may be required for the purposes of registry under the Merchant Shipping Acts; and upon receiving the same the said Registrar shall grant a certificate of registry for the said ship, and shall either retain the said certificate, or forward the same to the Consular officer or to the Registrar of shipping at such port or place as the owner or other duly authorized person shall require; and on such request the said certificate shall be forwarded by any Consular officer or Registrar into whose hands the same may come to any other Consular officer or Registrar, to be handed by him to the master of the said ship, when the requirements of the Merchant Shipping Acts as to marking the said ship shall have been complied with.

11. On any such transfers, whether from one British subject to another, or from a foreigner to a British subject, or on the first arrival of any ship provided with a sailing letter or other document as aforesaid, at any port in Corea, or at any port in China other than Shanghai, where there is a surveyor, the Consular officer of such port shall grant to the master of such ship, upon his application, a pass containing the particulars required by the First Schedule to this Order. The pass so granted shall, within the Chinese and Corean seas, including the waters of Hong Kong and of Wei-hai-Wei, possess the same force as a certificate of registry, until the expiration of four months, or until such earlier time as the new certificate of registry shall be delivered to the master of the said ship by a Consular or other duly authorized officer, or until notice of the cancellation of such pass has been given to the master of the said ship by the Registrar at Shanghai, but upon the expiration of such period, or upon such delivery, or upon receipt of such notice of cancellation, shall be void to all intents and purposes; and the said pass on becoming so void shall be at once delivered by the master of the said ship to a Consular or other duly authorized officer, and in default of delivery, the said master shall be liable to a fine not exceeding 50*l*.

12. His Majesty's Minister in China shall, with regard to the performance of any act or thing relating to the registry of a ship registered at Shanghai, or of any interest therein, be considered in all respects as occupying the place of the Board of Trade and the Commissioners of Customs.

13. His Majesty's Ministers in China and Corea respectively shall, at any port or place in China or Corea, as the case may be, have the same power to appoint fit and proper persons to be surveyors under the Merchant Shipping Acts as are possessed by the Board of Trade in the United Kingdom, and the persons so appointed shall have

the same powers as are conferred on the surveyors appointed as aforesaid by the Board of Trade.

14. In cases where it appears to the Commissioners of Customs, or to the Governor or other person administering the Government of any British possession, that, by reason of special circumstances it would be desirable that permission should be granted to any British ship to pass without being previously registered from any port or place in His Majesty's dominions to the port of Shanghai, it shall be lawful for such Commissioners or Governor or other person to grant a pass accordingly, and such pass shall for the time and within the limits therein mentioned have the same effect as a certificate of registry.

15. In cases where it appears to His Majesty's Minister in China that, by reason of special circumstances, it would be desirable that permission should be granted to any British ship to pass without being previously registered from the port of Shanghai to any port or place within His Majesty's dominions, it shall be lawful for such Minister to grant a pass accordingly, and such pass shall, for the time and within the limits therein mentioned, have the same effect as a certificate of registry.

16. Lorchas and other Chinese and Corean rigged ships registered at Shanghai shall be exempted from the provisions of the Merchant Shipping Acts which relate to the shipment and discharge of seamen, so far as applies to the employment of natives of China and Corea on board these ships.

17.—(1) His Majesty's Minister in China may, with the approval of the Secretary of State, issue any instructions with reference to the performance of any act or thing relating to the registry of a ship registered at Shanghai, or of any interest therein, that may seem to him necessary or advisable.

(2)\* The fees which shall be paid and taken in respect of matters arising under this Order are provided in the Table of Fees annexed to the China and Corea (Consular and Marriage Fees) Order in Council, 1904, and are set forth in the Second Schedule to this Order.

18. The China and Japan Maritime Order in Council, 1874,<sup>†</sup> and the Shanghai Shipping Registry Order in Council, 1883,<sup>‡</sup> are hereby repealed, without prejudice to anything done under those Orders respectively.

19. In this Order the expression "Merchant Shipping Acts" means the Merchant Shipping Act, 1894, and any Acts amending that Act.

Expressions defined in the China and Corea Order in Council, 1904 (**No. 156**), and used in this Order have the same respective meanings as in that Order.

The Rules of construction contained in Article 4 of the China

\* Repealed by Order in Council of 21st December, 1906 (**No. 166**), Article 5.

<sup>†</sup> "Hertslet's Commercial Treaties." Vol. 14. Page 230.

<sup>‡</sup> "Hertslet's Commercial Treaties." Vol. 15. Page 575.

July 15, 1904.]

GREAT BRITAIN.

[No. 153.

[Shanghai Shipping Registry.]

and Corea Order in Council, 1904, shall apply to the construction of this Order.

20. This Order may be cited as the China and Corea (Shipping Registry) Order in Council, 1904.

A. W. FITZROY.

# FIRST SCHEDULE.

STEAMER.

Pass granted only for Ships to be registered at Shanghai.

Name of Ship.	British or Foreign Built, and when Built.	How Propelled.
Number of decks ....	Build ....	
Number of masts ....	Galleries ....	
Rigged ....	Head ....	
Stern ....	Framework ....	
MEASUREMENTS.		Feet. Tenth.
Length from the fore part of stem under the bowsprit to the aft side of the head of the sternpost ....		
Main breadth to outside plank ....		
Depth in hold from tonnage deck to ceiling at midships ....		
TONNAGE.		No. of tons.
Tonnage under tonnage deck ....		
Closed in spaces above the tonnage deck, if any, viz. :—		
Space or spaces between decks ....		
Poop ....		
Round-house ....		
Other inclosed spaces, if any, naming them ....		
Gross tonnage ....		
Reduction for space required for propelling power		
Length of engine-room ....	Feet. Tenth.	Tonnage ....
Number of engines ....		
Combined power (estimated horse-power) ....		
Number of horses-power		
Name and address of engine maker ....		

I, the undersigned, \_\_\_\_\_, His Britannic Majesty's Consul at the Port of \_\_\_\_\_, hereby certify that—

1. The ship, the description of which is prefixed to this my Pass, has been duly surveyed, and that the above description is true.

2. That \_\_\_\_\_, of \_\_\_\_\_, is the master of the said ship.

## [Sanitary Regulations. Port of Hankow.]

3. That the said ship was built at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, and her foreign name is\*

Dated at \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, one thousand nine hundred and \_\_\_\_\_.

*His Britannic Majesty's Consul.*

*Note.*—This Pass continues in force only until the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, or until she completes her voyage from \_\_\_\_\_ to Shanghai, or until such earlier time as the new certificate of registry shall be delivered to the master of the said ship by a Consular or other duly authorized officer, or until notice of the cancellation of such Pass has been given to the master of the said ship by the Registrar at Shanghai; but upon the expiration of such period, or upon such delivery, or upon receipt of such notice of cancellation, shall be void to all intents.

*Note.*—Registrars of shipping are informed that this ship is in process of registration at Shanghai, and that registry must not be granted elsewhere.

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SECOND SCHEDULE.†

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(No. 154.) *SANITARY REGULATIONS for the Port of Hankow.*  
*Hankow, 25th July, 1904.*

Sanitary Regulations for the Port of Hankow.

THE following Regulations have been established by the Superintendent of Customs with the consent of the Treaty Power Consuls at the port, and are now published for the information and guidance of all concerned.

These Regulations take the place of the Regulation of 7th July, 1902, and come into force from the 1st August, 1904.

*By order of the Inspector-General of Customs.*

ALEX. W. CROSS.

*Acting Deputy Commissioner of  
 Customs in charge.*

*Custom House, Hankow, 25th July, 1904.*

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*Regulations.*

1. Seagoing vessels, from Chinese or foreign ports, bound for Hankow, must submit to medical inspection at the Chungpaosha (Woosung) Quarantine Station before entering the Yang-tsze, and shall be governed by such sanitary rules and regulations as may be in force at the Ports of Shanghai and Woosung.

2. In the event of any suspicious case of sickness occurring on board a seagoing vessel or a river-steamer after entering the river, the vessel must stop at the nearest port for examination. If the case is found to be *plague* the vessel must return immediately to the

\* These words to be added if the ship is foreign.

† Repealed by Order in Council of 21st December, 1906 (No. 166), Article 5.

## [Sanitary Regulations. Port of Hankow.]

Chungpaosha (Woosung) Quarantine Station where the infected person will be landed and the vessel with her passengers and crew shall be placed in quarantine, and subjected to such detention, disinfection, and other sanitary treatment as the Health Officer of the Ports of Shanghai and Woosung may deem necessary.

3. Even in the absence of a case or of a suspected case of *plague* among the passengers and crew of a vessel, should the rats on board be infected or be suspected to be infected with *plague*, the vessel shall be considered a *plague-infected* vessel and be bound by Rule 2.

4. Any vessel coming from a port *declared infected* by the Superintendent of Customs, and provided there has been no case of infectious disease on board during the voyage, may be admitted to pratique after the lapse of ten days from the date of her departure from the infected port. Such vessel must fly the Yellow Flag at the fore, anchor outside the harbour limits, and remain there until allowed to enter the port by the Harbour Master: and further no person unless specially authorized, shall be allowed to go on board or leave the vessel until admission to pratique shall have been granted; nor shall any cargo, baggage, or other article be removed from the vessel.

5. River-steamers must, during the four summer months (June to September), take out a Bill of Health at Kiukiang before leaving for Hankow. If there has been no case or suspicious case of infectious disease on board after leaving Shanghai it shall be sufficient if such a Bill of Health be issued by the Customs at the time of clearance.

6. (a) River-steamers arriving during the four summer months (June to September) without a Kiukiang Bill of Health, and also  
(b) River and seagoing vessels which shall have or shall have had on board a case or suspected case of infectious disease (plague excepted, see Rule 2) within ten days of their arrival outside Hankow at any time of the year, provided such case has not been dealt with at Hankow, or another port, or shall have on board the dead body of a person who is suspected to have died of an infectious disease,

must fly the Yellow Flag at the fore, anchor outside the harbour limits and be governed by Rule 4.

7. Vessels arriving after dark from other than ports *declared infected* having on board a case or a suspected case of an infectious disease, or the dead body of a person who is suspected to have died of an infectious disease, may enter the harbour carrying at the fore three lamps—red, white, red—hung vertically, but must anchor in midstream and shall allow no communication to be held with the shore before arrival of the Health Officer and granting of pratique.

8. Should a case or suspected case of infectious disease occur on board any vessel in harbour, the fact shall be immediately reported to the Harbour Master, and if the Health Officer deems it advisable, the vessel shall be ordered to proceed to a berth below harbour limits.

## [Sanitary Regulations. Port of Hankow.]

9. It shall be left to the Health Officer to determine what measures shall be taken for the removal and (or) isolation of all infected persons, for the removal of all infected bodies, and for the purification of the vessel.

10. A copy of the Health Officer's report shall be sent immediately to the Consul of the vessel concerned.

11. The importation of the following articles from ports where *plague* is known to exist shall be prohibited at all times :—furs, skins, hair, rugs, old paper, fresh fruit, vegetables, plants of any kind to which earth or vegetable mould adheres, coffins containing corpses, earth, mould, and sand.

12. When either cholera, plague, typhus fever, yellow fever, or other infectious disease is known to be prevalent at any port or place from which vessels may be expected to arrive at Hankow, the Superintendent of Customs shall, on being duly informed of the fact and after consultation with the Doyen of the Consular Body, issue a Proclamation declaring such port or place infected, and the Commissioner of Customs shall give the necessary instructions to secure the strict execution of these Regulations.

13. As soon as any port or place *proclaimed infected* shall have been declared free from infection, the Superintendent of Customs shall issue a Proclamation notifying the fact, and all action under these Rules (see Rule 4) as regards that port or place shall be suspended, except in so far as Rules 11 and 15 may apply.

14. The public shall be informed of such declarations by means of a Harbour Notification. The Commissioner of Customs (or other authority in the case of a foreign port) at the port declared infected shall be informed by the Hankow Commissioner of the declaration of infection or its withdrawal.

15. If the proper authorities at Shanghai shall at any time declare a port to be infected, that port shall be at once considered an infected port by the Superintendent of Customs at Hankow ; and if the proper authorities at Shanghai shall prohibit the importation of all or any of the articles enumerated in Rule 11 the Superintendent of Customs at Hankow shall at once consider such articles prohibited of importation at Hankow, and the Commissioner of Customs at Hankow shall stand authorized to issue forthwith a Harbour Notification to that effect, and to prohibit, for such a period of time as he may think advisable, the importation of all or any of the articles enumerated in Rule 11 ; he shall at the same time notify the Doyen of the Consular Body of the action taken.

16. Any person who commits a breach of these Regulations shall be dealt with by the authority to whose jurisdiction he is amenable.

17. These Rules are hereby declared Regulations of the Port of Hankow, and they shall not be amended or cancelled without six months' previous notice.



(No. 155.) *ORDER IN COUNCIL making Provision (in China, &c.) for the Regulation of the Conduct of Persons subject to His Majesty's Jurisdiction during the Existence of Hostilities between Foreign States with which His Majesty is at Peace. London, 24th October, 1904.\**

At the Court at Buckingham Palace, the 24th day of October, 1904.

PRESENT : THE KING'S MOST EXCELLENT MAJESTY.

Lord President.  
Lord Windsor.

Mr. Secretary Brodrick.  
Mr. A. Graham Murray.

WHEREAS it is expedient to make provision in places where by Treaty, grant, usage, sufferance, and other lawful means His Majesty has jurisdiction for the regulation of the conduct of persons subject to His Majesty's jurisdiction during the existence of hostilities between foreign States with which His Majesty is at peace :

Now, therefore, His Majesty, by virtue and in exercise of the powers on this behalf by "The Foreign Jurisdiction Act, 1890" (No. 135), or otherwise in His Majesty vested, is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, as follows :—

*Preliminary.*

1. This Order may be cited as "The Foreign Jurisdiction Neutrality Order in Council, 1904."

2.—(1) This Order extends to all persons and to all property subject to the following Orders in Council :—"The Muscat Order in Council, 1867," "The Morocco Order in Council, 1889," "The Persia (Inland) Order in Council, 1889," "The Persian Coasts and Islands Order in Council, 1889," "The Zanzibar Order in Council, 1897," "The Ottoman Order in Council, 1899," "The Siam Order in Council, 1903," "The China and Corea Order in Council, 1904" (No. 156), or any Orders in Council substituted therefor.

(2) This Order shall be exhibited forthwith in the public office of the highest of His Majesty's Courts established by each of the said Orders in Council, and shall come into force within the limits of every such Order thereupon.

3.—(1) In this Order, words importing the plural or the singular may be construed as referring to one person or thing, or to more than one person or thing, and words importing the masculine as referring to the feminine (as the case may require).

(2) Where this Order confers any power or imposes any duty, then, unless a contrary intention appears, the power may be exercised

\* "London Gazette," 28th October, 1904. Laid before both Houses of Parliament, in pursuance of the Foreign Jurisdiction Act, 1890 (Section 11. See page 705), 4th February, 1905.

## [Neutrality.]

and the duty shall be performed from time to time as occasion requires.

(3) Where this Order confers a power or imposes a duty on, or with respect to, a holder of an office, as such, then, unless a contrary intention appears, the power may be exercised and the duty shall be performed by, or with respect to, the holder for the time being of the office or the person temporarily acting for the holder.

4. If any person subject to this Order, without the licence of His Majesty, accepts or agrees to accept any commission or engagement in the military or naval service of any foreign State at war with any foreign State at peace with His Majesty, and in this Order referred to as a friendly State, or induces any other person to accept, or agree to accept, any commission or engagement in the military or naval service of any such foreign State as aforesaid, he shall be guilty of an offence against this Order, and shall be punishable by fine and imprisonment, or either of such punishments, at the discretion of the Court before which the offender is convicted, and imprisonment, if awarded, may be either with or without hard labour.

5. If any person subject to this Order, without the licence of His Majesty, quits, or goes on board any ship with a view of quitting, the jurisdiction of the Court, with intent to accept any commission or engagement in the military or naval service of any foreign State at war with a friendly State, or induces any other person to quit, or to go on board any ship with a view of quitting, any place within His Majesty's jurisdiction with the like intent, he shall be guilty of an offence against this Order, and shall be punishable by fine and imprisonment, or either of such punishments, at the discretion of the Court before which the offender is convicted, and imprisonment, if awarded, may be either with or without hard labour.

6. If any person subject to this Order induces any other person to quit the jurisdiction of the Court, or to embark on any ship within the jurisdiction of the Court, under a misrepresentation or false representation of the service in which such person is to be engaged, with the intent or in order that such person may accept or agree to accept any commission or engagement in the military or naval service of any foreign State at war with a friendly State, he shall be guilty of an offence against this Order, and shall be punishable by fine and imprisonment, or either of such punishments, at the discretion of the Court before which the offender is convicted; and imprisonment, if awarded, may be either with or without hard labour.

7. If the master or owner of any ship subject to this Order, without the licence of His Majesty, knowingly either takes on board, or engages to take on board, or has on board such ship within the jurisdiction of the Court any of the following persons, in this Order referred to as illegally-enlisted persons; that is to say—

(1) Any person who has accepted or agreed to accept any com-

## [Neutrality.]

mission or engagement in the military or naval service of any foreign State at war with any friendly State, in contravention of Article 4 of this Order.

(2) Any person who is about to quit the jurisdiction of the Court, in contravention of Article 5 of this Order.

(3) Any person who has been induced to embark under a misrepresentation or false representation of the service in which such person is to be engaged, with the intent or in order that such person may accept or agree to accept any commission or engagement in the military or naval service of any foreign State at war with a friendly State :

Such master or owner shall be guilty of an offence against this Order, and the following consequences shall ensue ; that is to say—

(1) The offender shall be punishable by fine and imprisonment, or either of such punishments, at the discretion of the Court before which the offender is convicted ; and imprisonment, if awarded, may be either with or without hard labour : and

(2) Such ship shall be detained until the trial and conviction or acquittal of the master or owner, and until all penalties inflicted on the master or owner have been paid, or the master or owner has given security for the payment of such penalties to the satisfaction of His Majesty's Representative : and

(3) All illegally-enlisted persons shall immediately on the discovery of the offence be taken on shore, and shall not be allowed to return to the ship.

8. If any person subject to this Order within the jurisdiction of the Court without the licence of His Majesty, does any of the following acts ; that is to say—

(1) Builds or agrees to build, or causes to be built, any ship with intent or knowledge, or having reasonable cause to believe that the same shall or will be employed in the military or naval service of any foreign State at war with any friendly State : or

(2) Issues or delivers any commission for any ship with intent or knowledge, or having reasonable cause to believe that the same shall or will be employed in the military or naval service of any foreign State at war with any friendly State : or

(3) Equips any ship with intent or knowledge, or having reasonable cause to believe that the same shall or will be employed in the military or naval service of any foreign State at war with any friendly State : or

(4) Dispatches, or causes or allows to be dispatched, any ship with intent or knowledge, or having reasonable cause to believe that the same shall or will be employed in the military or naval service of any foreign State at war with any friendly State :

Such person shall be deemed to have committed an offence against this Order, and the following consequences shall ensue :—

(1) The offender shall be punishable by fine and imprisonment, or either of such punishments, at the discretion of the Court before

## [Neutrality.]

which the offender is convicted ; and imprisonment, if awarded, may be either with or without hard labour :

(2) The ship in respect of which any such offence is committed and her equipment shall be forfeited to His Majesty :

Provided that a person building, causing to be built, or equipping a ship in any of the cases aforesaid, in pursuance of a contract made before the commencement of such war as aforesaid, shall not be liable to any of the penalties imposed by this Article in respect of such building or equipping if he satisfies the conditions following (that is to say)—

(1) If forthwith upon a Proclamation of Neutrality being issued by His Majesty he gives notice to His Majesty's Representative that he is so building, causing to be built, or equipping such ship, and furnishes such particulars of the contract and of any matters relating to, or done, or to be done under the contract as may be required by His Majesty's Representative :

(2) If he gives such security, and takes and permits to be taken such other measures, if any, as His Majesty's Representative may prescribe for insuring that such ship shall not be dispatched, delivered or removed without the licence of His Majesty until the termination of such war as aforesaid.

9. Where any ship is built by order of or on behalf of any foreign State when at war with a friendly State, or is delivered to or to the order of such foreign State, or any person who to the knowledge of the person building is an Agent of such foreign State, or is paid for by such foreign State or such Agent, and is employed in the military or naval service of such foreign State, such ship shall, until the contrary is proved, be deemed to have been built with a view to being so employed, and the burden shall lie on the builder of such ship of proving that he did not know that the ship was intended to be so employed in the military or naval service of such foreign State.

10. If any person within the jurisdiction of the Court, and without the licence of His Majesty, by adding to the number of the guns, or by changing those on board for other guns, or by the addition of any equipment for war, increases or augments, or procures to be increased or augmented, or is knowingly concerned in increasing or augmenting the warlike force of any ship which at the time of her being within the jurisdiction aforesaid was a ship in the military or naval service of any foreign State at war with any friendly State, such person shall be guilty of an offence against this Order, and shall be punishable by fine and imprisonment, or either of such punishments, at the discretion of the Court before which the offender is convicted ; and imprisonment, if awarded, may be either with or without hard labour.

11. If any person within the jurisdiction of the Court, and without the licence of His Majesty, prepares or fits out any naval or military expedition to proceed against the dominions of any friendly State, the following consequences shall ensue :—

## [Neutrality.]

(1) Every person engaged in such preparation or fitting out, or assisting therein, or employed in any capacity in such expedition, shall be guilty of an offence against this Order, and shall be punishable by fine and imprisonment, or either of such punishments, at the discretion of the Court before which the offender is convicted; and imprisonment, if awarded, may be either with or without hard labour.

(2) All ships and their equipments, and all arms and munitions of war, used in or forming part of such expedition, shall be forfeited to His Majesty.

12. Any person who aids, abets, counsels, or procures the commission of any offence against this Order shall be liable to be tried and punished as a principal offender.

13. The term of imprisonment to be awarded in respect of any offence against this Order shall not exceed two years.

14. For the purposes of this Order, a licence by His Majesty shall be under the sign manual of His Majesty, or be signified by Order in Council or by Proclamation of His Majesty.

15. Any offence against this Order shall, for all purposes of and incidental to the trial and punishment of any person guilty of any such offence, be deemed to have been committed either in the place in which the offence was wholly or partly committed, or in any place within the jurisdiction of the Court in which the person who committed such offence may be.

16. All proceedings for the condemnation and forfeiture of a ship, or ship and equipment, or arms and munitions of war, in pursuance of this Order, shall require the sanction of His Majesty's Representative, and shall be had in the highest Court of His Majesty having original jurisdiction in such place, and not in any other Court; and the Court shall, in addition to any power given by this Order, have in respect of any person, ship or other matter brought before it in pursuance of this Order all powers which it has in the case of a person, ship or matter brought before it in the exercise of its ordinary jurisdiction.

17. Where any offence against this Order has been committed by any person by reason whereof a ship, or ship and equipment, or arms and munitions of war, has or have become liable to forfeiture, proceedings may be instituted contemporaneously or not, as may be thought fit, against the offender, and against the ship, or ship and equipment, or arms and munitions of war, for the forfeiture: but it shall not be necessary to take proceedings against the offender because proceedings are instituted for the forfeiture, or to take proceedings for the forfeiture because proceedings are taken against the offender.

18. The following officers, that is to say—

(1) Any Consular officer, subject nevertheless to any special or general instructions from the Secretary of State or His Majesty's Representative;

(2) Any commissioned officer on full pay in the military service of His Majesty, subject nevertheless to any special or general instructions from his Commanding Officer ;

(3) Any commissioned officer on full pay in the naval service of His Majesty, subject nevertheless to any special or general instructions from the Admiralty or his superior officer ;

May seize or detain any ship liable to be seized or detained in pursuance of this Order, and such officers are in this Order referred to as the " local authority " : but nothing in this Order contained shall derogate from the power of the Court to direct any ship to be seized or detained by any officer by whom such Court may have power under its ordinary jurisdiction to direct a ship to be seized or detained.

19. Any officer authorized to seize or detain any ship in respect of any offence against this Order may, for the purpose of enforcing such seizure or detention, call to his aid any officers of His Majesty's army or navy or marines, and may put on board any ship so seized or detained any one or more of such officers to take charge of the same, and to enforce the provisions of this Order, and any officer seizing or detaining any ship under this Order may use force, if necessary, for the purpose of enforcing seizure or detention, and if any person is killed or maimed by reason of his resisting such officer in the execution of his duties, or any person acting under his orders, such officer so seizing or detaining the ship, or other person, shall be freely and fully indemnified as well against the King's Majesty, His heirs and successors, as against all persons so killed, maimed, or hurt.

20. If His Majesty's Representative is satisfied that there is a reasonable and probable cause for believing that a ship within the jurisdiction of the Court has been or is being built, commissioned or equipped contrary to this Order, and is about to be taken beyond the jurisdiction of the Court, or that a ship is about to be dispatched contrary to this Order, His Majesty's Representative shall have power to issue a warrant stating that there is reasonable and probable cause for believing as aforesaid, and upon such warrant the local authority shall have power to seize and search such ship, and to detain the same until it has been either condemned or released by process of law, or in manner hereinafter mentioned.

The owner of the ship so detained, or his agent, may apply to the Court for its release, and the Court shall, as soon as possible, put the matter of such seizure and detention in course of trial between the applicant and the Crown.

If the applicant establish to the satisfaction of the Court that the ship was not, and is not, being built, commissioned, or equipped, or intended to be dispatched contrary to this Order, the ship shall be released and restored.

If the applicant fail to establish to the satisfaction of the Court that the ship was not, and is not, being built, commissioned, or equipped, or intended to be dispatched contrary to this Order,

then the ship shall be detained till released by order of His Majesty's Representative.

The Court may, in cases where no proceedings are pending for its condemnation, release any ship detained under this Article on the owner giving security to the satisfaction of the Court that the ship shall not be employed contrary to this Order, notwithstanding that the applicant may have failed to establish to the satisfaction of the Court that the ship was not, and is not, being built, commissioned, or intended to be dispatched contrary to this Order. His Majesty's Representative may likewise release any ship detained under this Article on the owner giving security to his satisfaction that the ship shall not be employed contrary to this Order, or may release the ship without such security if he think fit.

Nothing in this Article contained shall apply to any foreign non-commissioned ship dispatched from any place within His Majesty's jurisdiction after having come within any such place under stress of weather or in the course of a peaceful voyage, and upon which ship no fitting out or equipping of a warlike character has taken place within the jurisdiction of the Court.

21. Where it is represented to any local authority, as defined by this Order, and such local authority believes the representation, that there is a reasonable and probable cause for believing that a ship subject to this Order has been or is being built, commissioned, or equipped contrary to this Order, and is about to be taken beyond the jurisdiction of the Court, or that a ship is about to be dispatched contrary to this Order, it shall be the duty of such local authority to detain such ship, and forthwith to communicate the fact of such detention to His Majesty's Representative.

Upon the receipt of such communication, His Majesty's Representative may order the ship to be released if he thinks there is no cause for detaining her, but if satisfied that there is reasonable and probable cause for believing that such ship was built, commissioned, or equipped or intended to be dispatched in contravention of this Order, he shall issue his warrant stating that there is reasonable and probable cause for believing as aforesaid, and upon such warrant being issued further proceedings shall be had as in cases where the seizure or detention has taken place on a warrant issued by him without any communication from the local authority.

22. The powers given by this Order to His Majesty's Representative shall be exercised in the Ottoman Empire, except Egypt, by His Majesty's Ambassador, in Egypt by His Majesty's Agent and Consul-General, in China, Corea, Morocco, Persia, and Siam by His Majesty's Minister, in Zanzibar by His Majesty's Agent and Consul-General, and in Muscat by His Majesty's Consul.

23. An appeal may be had from any decision of the Court under this Order to the same Tribunal and in the same manner to and in which an appeal may be had in cases within the ordinary jurisdiction of the Court.

## [Neutrality.]

24. No damages shall be payable, and no officer or local authority shall be responsible, either civilly or criminally, in respect of the seizure or detention of any ship in pursuance of this Order.

25. His Majesty's Representative shall not be responsible in any action or other legal proceedings whatsoever for any warrant issued by him in pursuance of this Order, or be examinable as a witness, except at his own request, in any Court of justice in respect of the circumstances which led to the issue of the warrant.

26. In this Order, if not inconsistent with the context, the following terms have the meanings hereinafter respectively assigned to them, that is to say :—

“ Foreign State ” includes any foreign Prince, Colony, province, or part of any province or people, or any person or persons exercising or assuming to exercise the powers of government in or over any foreign country, Colony, province, or part of any province or people ;

“ Military service ” shall include military telegraphy and any other employment whatever, in or in connection with any military operation ;

“ Naval service ” shall, as respects a person, include service as a marine, employment as a pilot in piloting or directing the course of a ship of war or other ship when such ship of war or other ship is being used in any military or naval operation, and any employment whatever on board a ship of war, transport, store ship, privateer or ship under letters of marque : and as respects a ship include any user of a ship as a transport, store ship, privateer or ship under letters of marque ;

“ The Secretary of State ” shall mean any one of His Majesty's Principal Secretaries of State ;

“ The Court ” shall mean the Court possessing jurisdiction under Article 16 of this Order ;

“ Ship ” shall include any description of boat, vessel, floating battery, or floating craft : also any description of boat, vessel, or other craft or battery made to move either on the surface of or under water, or sometimes on the surface of and sometimes under water ;

“ Building,” in relation to a ship, shall include the doing any act towards, or incidental to, the construction of a ship, and all words having relation to building shall be construed accordingly ;

“ Equipping,” in relation to a ship, shall include the furnishing a ship with any tackle, apparel, furniture, provisions, arms, munitions, or stores, or any other thing which is used in or about a ship for the purpose of fitting or adapting her for the sea or for naval service, and all words relating to equipping shall be construed accordingly ;

“ Ship and equipment ” shall include a ship and everything in or belonging to a ship ;

“ Master ” shall include any person having the charge or command of a ship.



27. Nothing in this Order contained shall subject to forfeiture any commissioned ship of any foreign State, or give to any Court over or in respect of any ship entitled to recognition as a commissioned ship of any foreign State any jurisdiction which it would not have had if this Order had not passed.

And the Most Honourable the Marquess of Lansdowne, K.G., one of His Majesty's Principal Secretaries of State, is to give the necessary directions herein.

A. W. FITZROY.

(No. 156.) *ORDER IN COUNCIL respecting British Jurisdiction in China and Corea. London, 24th October, 1904.\**

ARRANGEMENT OF ARTICLES.

PART I.—*Preliminary and General.*

Article.					Page.
1	Division of Order	..	..	..	839
2	Limits of Order	..	..	..	840
3	Interpretation ..	..	..	..	840
4	Rules of construction	..	..	..	841
5	Extent of jurisdiction	..	..	..	842
6	Exercise of jurisdiction	..	..	..	842

PART II.—*Constitution and Powers of Courts.*

(i.) *Supreme Court.*

7	Constitution of Supreme Court	..	..	..	843
8	Acting Judge ..	..	..	..	843
9	Acting Assistant Judge ..	..	..	..	843
10	Additional Assistant Judge	..	..	..	843
11	Seal of Supreme Court ..	..	..	..	844
12	Officers of Supreme Court	..	..	..	844
13	Sheriff ..	..	..	..	844
14	Registrar ..	..	..	..	844
15	Tenure of Judges and Registrar	..	..	..	844
16	Revocation of appointments	..	..	..	844
17	Sittings of Supreme Court	..	..	..	845
18	Visitation of Judges	..	..	..	845

(ii.) *Provincial Courts.*

19	Constitution of Provincial Courts ..	..	..	..	845
----	--------------------------------------	----	----	----	-----

\* "London Gazette," 28th October, 1904. Laid before both Houses of Parliament, in pursuance of the Foreign Jurisdiction Act, 1890 (Section 11. See page 705), 14th February, 1905.

## [British Jurisdiction.]

(iii.) *Jurisdiction of Courts.*

Article.		Page.
20	Courts of Record .. ..	845
21	Jurisdiction of Supreme Court at Shanghai ..	846
22	Jurisdiction of Provincial Courts ..	846
23	Concurrent jurisdiction of Supreme Court ..	846
24	Jurisdiction of Registrar ..	846
25	Case reported or removed to Supreme Court ..	846
26	Courts to be auxiliary to one another ..	846
27	Conciliation .. ..	846
28	Modes of trial .. ..	847
29	Process of Supreme Court of Hong Kong ..	847
30	Immunity of Legation .. ..	847
31	Operation of Imperial Acts, &c. ..	847

*Jurors and Assessors.*

32	Jury .. ..	848
33	Assessors .. ..	849
34	Penalty for non-attendance .. ..	849

PART III.—*Criminal Matters.*

35	Application of Criminal Law of England ..	849
----	---	-----

*Local Jurisdiction in Criminal Matters.*

36	Power to summon offenders .. ..	850
37	Place of offence for purposes of trial ..	850
38	Escape and arrest in another district ..	850
39	Admiralty offences, &c. .. ..	850

*Apprehension and Custody of Accused Persons.*

40	Bringing accused before Court .. ..	851
41	Remand .. ..	851
42	Detention of ship .. ..	851
43	Execution of writs of Supreme Court ..	851
44	Bail .. ..	852

*Trial with Jury or Assessors.*

45	Trial with jury or assessors .. ..	852
46	Speedy trial .. ..	852
47	Report of sentences .. ..	853

*Summary Trial.*

48	Summary trial .. ..	853
----	---------------------	-----

*Preliminary Examination.*

49	Preliminary examination .. ..	853
50	Trial before Court in His Majesty's dominions ..	853
51	Refusal to enter into recognizances ..	854
52	Expenses of witnesses, jurors, &c. ..	854

Article.	Charges.	Page.
53	Trial on charge.. ..	854
54	Separate charges for separate offences .. ..	854
55	Trial of co-defendants .. ..	855
56	Alteration of charges .. ..	855
57	Errors and variances .. ..	855
58	Charge of previous conviction .. ..	856
<i>Punishments.</i>		
59	Limitation of powers of Courts .. ..	856
60	Offences against this Order .. ..	857
61	Grave offences against this Order .. ..	857
62	Damages for assault .. ..	857
63	Expenses of prosecution .. ..	857
64	Punishment of death .. ..	857
65	Prisons and punishments.. ..	858
66	Imprisonment in His Majesty's dominions .. ..	858
67	Mitigation of punishments .. ..	858
<i>Inquests.</i>		
68	Inquests .. ..	858
<i>Statutory or Other Offences.</i>		
69	Patents and trade-marks .. ..	859
70	Smuggling .. ..	860
71	Levyng war, &c. .. ..	860
72	Piracy .. ..	861
73	Violation of Treaties .. ..	861
74	International Regulations .. ..	861
75	Seditious conduct .. ..	861
76	Offences against religions.. ..	862
77	Contempts of Court .. ..	862
78	Negligence of officers .. ..	863
79	Extortion .. ..	863
<i>Authority within 100 miles of Coast.</i>		
80	Offences within 100 miles of the coast .. ..	863
81	Jurisdiction of Supreme Court at Hong Kong .. ..	864
82	Apprehension of deserters .. ..	864
<i>Deportation.</i>		
83	Deportation .. ..	864
84	Dealing with deported persons at Hong Kong .. ..	865
<i>Appeal and Reserved Case.</i>		
85	Appeal and reserved case .. ..	866
86	Procedure on case stated .. ..	866
87	As to appeal to Privy Council .. ..	867
<i>Fugitive Offenders.</i>		
88	Fugitive offenders .. ..	867

## [British Jurisdiction.]

PART IV.— <i>Civil Matters.</i>				Page.
Article.				
89	General provision as to civil jurisdiction ..	..	..	867
<i>Procedure.</i>				
90	All proceedings to be by action ..	..	..	867
91	Commencement of action ..	..	..	867
92	Trial by jury in Supreme Court ..	..	..	867
93	Trial by assessors ..	..	..	868
94	Special case ..	..	..	868
95	Costs ..	..	..	868
<i>Arbitration.</i>				
96	Arbitration ..	..	..	868
97	Reference of actions to special referees ..	..	..	868
98	Enforcement of submission or award ..	..	..	869
<i>Bankruptcy.</i>				
99	Bankruptcy ..	..	..	869
<i>Admiralty.</i>				
100	Admiralty jurisdiction ..	..	..	869
<i>Matrimonial.</i>				
101	Matrimonial jurisdiction ..	..	..	869
<i>Lunacy.</i>				
102	Lunacy jurisdiction ..	..	..	870
<i>Probate and Administration.</i>				
103	Real property to devolve as personal estate ..	..	..	870
104	Jurisdiction of Courts ..	..	..	871
105	Enactment applied ..	..	..	871
106	Sealing of British or Colonial probate, &c. ..	..	..	871
107	Custody of property of intestate ..	..	..	871
108	Executor failing to obtain probate ..	..	..	872
109	Administering estate without authority ..	..	..	872
110	Death or failure of executor ..	..	..	872
111	Testamentary papers to be deposited in Court ..	..	..	872
112	Administration of small estates ..	..	..	873
<i>Appeals and Re-hearings.</i>				
113	Appeal to Supreme Court ..	..	..	873
114	Re-hearing in Supreme Court ..	..	..	873
<i>Appeals to His Majesty in Council.</i>				
115	Appeal to Privy Council ..	..	..	874
116	Execution pending appeal ..	..	..	874
117	Appeal by special leave ..	..	..	875

PART V.—*Procedure, Criminal and Civil.*

Article.		Page.
118	Minutes of proceedings .. .. .	875
119	Rules of Court .. .. .	875
120	Power to dispense with payment of Court fees ..	876
121	Appearances .. .. .	876
122	Witnesses .. .. .	877
123	Conveyance of accused persons .. .. .	877
124	Expenses of removal .. .. .	878
125	Application of enactments as to evidence ..	878
126	As to proof of British and foreign law ..	878
127	Protection of public officers .. .. .	878
128	Evidence by commission .. .. .	879

PART VI.—*Mortgages and Bills of Sale.**Mortgages.*

129	Registration of mortgage.. .. .	879
130	Mode of registration .. .. .	879
131	Time for registration .. .. .	879
132	Priority .. .. .	879
133	Rules for indexes of mortgages .. .. .	879

*Bills of Sale.*

134	To what bills of sale this Order applies .. ..	880
135	Contents of bill of sale .. .. .	880
136	Time for registration of bill .. .. .	880
137	Mode of registering bill .. .. .	880
138	Penalty for failure to register .. .. .	880
139	Priority .. .. .	881
140	Effect of bill in case of bankruptcy .. .. .	881
141	Subsequent bill covering same goods .. .. .	881
142	Time for renewal .. .. .	881
143	Mode of renewal .. .. .	881
144	Failure to renew .. .. .	881
145	Application to subsisting bills .. .. .	881
146	Transfer of bills .. .. .	881
147	Expiration of time on Sunday .. .. .	881
148	Failure to register may be rectified .. .. .	881
149	Bills executed before this Order comes into force ..	882
150	Rules for indexes to register of bills .. .. .	882

PART VII.—*Foreign Subjects and Tribunals.*

151	Actions by and against foreigners .. .. .	882
152	Attendance of British subjects before Chinese or foreign Tribunals .. .. .	883
153	Actions by British subject in Chinese or foreign Court ..	883
154	Garnishee proceedings in aid of judgment of foreign Court .. .. .	883

Article.	PART VIII.— <i>Regulations.</i>				Page.
155	King's Regulations	..	..	..	884
156	Municipal Regulations	..	..	..	885
157	Approval of Regulations	..	..	..	885
158	Publication of Regulations	..	..	..	885
159	Prison Regulations	..	..	..	885

	PART IX.— <i>Miscellaneous.</i>				
160	Customs may be observed	..	..	..	886
161	Customary powers of Consular officers	..	..	..	886
162	Registration of British subjects	..	..	..	886
163	Deposit of powers of attorney	..	..	..	887
164	Rates of exchange for payment of fees, fines, &c.	..	..	..	887
165	Accounting of fees, fines, &c.	..	..	..	887
166	Report by Judge of the Supreme Court	..	..	..	887
167	Report by Provincial Court	..	..	..	887
168	Publication of Order	..	..	..	887
169	Repeal	..	..	..	888
170	Commencement of Order..	..	..	..	888
171	Short title	..	..	..	889
	Schedule	..	..	..	889

At the Court at Buckingham Palace, the 24th day of October, 1904.

PRESENT : THE KING'S MOST EXCELLENT MAJESTY.

Lord President.  
Lord Windsor.

Mr. Secretary Brodrick.  
Mr. A. Graham Murray.

WHEREAS by Treaty, grant, usage, sufferance, and other lawful means, His Majesty the King has jurisdiction within the dominions of the Emperor of China and of the Emperor of Corea :

Now, therefore, His Majesty, by virtue and in exercise of the powers in this behalf by the Foreign Jurisdiction Act, 1890 (No. 135), or otherwise in His Majesty vested, is pleased, by and with the advice of his Privy Council, to order, and it is hereby ordered, as follows :—

PART I.—*Preliminary and General.*

1. This Order is divided into parts, as follows :—

Parts.	Subject.	Articles.
I.	Preliminary and General	1-6
II.	Constitution and Powers of Courts	7-34
III.	Criminal Matters	35-88
IV.	Civil Matters	89-117
V.	Procedure, Criminal and Civil	118-128
VI.	Mortgages and Bills of Sale	129-150
VII.	Foreign Subjects and Tribunals	151-154
VIII.	Regulations	155-159
IX.	Miscellaneous	160-171
	Schedule of Repealed Orders.	

2. The limits of this Order are the dominions of the Emperor of China and of the Emperor of Corea, including the territorial waters of those dominions respectively; but, except as provided in this Order, the said limits do not include places within the limits of the Wei-hai-Wei Order in Council, 1901 (**No. 146**).

3. In the construction of this Order the following words and expressions have the meanings hereby assigned to them, unless there be something in the subject or context repugnant thereto, that is to say :—

“Administration” means letters of administration, including the same with will annexed or granted for special or limited purposes, or limited in duration.

“British ship” means a merchant-ship being a British ship within the meaning of the Merchant Shipping Act, 1894, and includes any ship provided with sailing letters from the Governor of Hong Kong or from His Majesty’s Minister in China or Corea.

“British possession” means any part of His Majesty’s dominions exclusive of the United Kingdom.

“British subject” includes a British-protected person, that is to say, a person who either (a) is a native of any Protectorate of His Majesty, and is for the time being in China or Corea; or (b) by virtue of Section 15 of the Foreign Jurisdiction Act, 1890, or otherwise enjoys his Majesty’s protection in China or Corea.

“China” means so much of the Empire of China as is within the limits of this Order.

“Consular district” means the district in and for which a Consular officer usually acts, or for which he may be authorized to act, for all or any of the purposes of this Order by authority of the Secretary of State.

“Consular officer” means a Consul-General, Consul, Vice-Consul, Consular Agent, or Pro-Consul of His Majesty resident in China or Corea, including a person acting temporarily, with the approval of the Secretary of State, as or for a Consul-General, Consul, Vice-Consul, or Consular Agent of His Majesty so resident.

“Commissioned Consular officer” means a Consular officer holding a commission of Consul-General, Consul, or Vice-Consul from His Majesty, including a person acting temporarily, with the approval of the Secretary of State, or of His Majesty’s Minister in China or Corea, as or for such a commissioned Consular officer.

“Consulate” and “Consular office” refer to the Consulate and office of a Consular officer.

“The Court,” except when the reference is to a particular Court, means any Court established under this Order, subject, however, to the provisions of this Order with respect to powers and local jurisdictions.

“Foreigner” means a subject or citizen of a State in amity with His Majesty, including China and Corea.

“Judge,” except where the context intends a reference to the

Judge of the Supreme Court only, includes Assistant Judge, and, except where the context intends a reference to the Supreme Court only, includes the officer for the time being holding a Provincial Court.

"Legal practitioner" includes barrister-at-law, advocate, solicitor, writer to the Signet, and any person possessing similar qualifications.

"Lunatic" means idiot or person of unsound mind.

"Master," with respect to any ship, includes every person (except a pilot) having command or charge of that ship.

"Minister" means His Majesty's Minister in China or in Corea, as the case may be, and includes Chargé d'Affaires or other chief Diplomatic Representative.

"Month" means calendar month.

"Oath" and "affidavit," in the case of persons for the time being allowed by law to affirm or declare, instead of swearing, include affirmation and declaration, and the expression "swear," in the like case, includes affirm and declare.

"Offence" includes crime, and any act or omission punishable criminally in a summary way or otherwise.

"Person" includes Corporation.

"Prescribed" means prescribed by Regulations or Rules of Court.

"Prosecutor" means complainant or any person appointed or allowed by the Court to prosecute.

"Proved" means shown by evidence on oath, in the form of affidavit, or other form, to the satisfaction of the Court or Consular officer acting or having jurisdiction in the matter; and "proof" means the evidence adduced in that behalf.

"Rules of Court" means Rules of Court made under the provisions of this Order.

"Secretary of State" means one of His Majesty's Principal Secretaries of State.

"Ship" includes any vessel used in navigation, however propelled, with her tackle, furniture, and apparel, and any boat or other craft.

"The Treasury" means the Commissioners of His Majesty's Treasury.

"Treaty" includes any Convention, Agreement, or Arrangement, made by or on behalf of His Majesty with any State or Government, whether the Government of China or of Corea is a party thereto or not.

"Will" means will, codicil, or other testamentary instrument.

Expressions used in any rules, regulations, or orders made under this Order shall, unless a contrary intention appears, have the same respective meanings as in this Order.

4.—(1) In this Order, words importing the plural or the singular may be construed as referring to one person or thing, or to more



than one person or thing, and words importing the masculine as referring to the feminine (as the case may require).

(2) Where this Order confers any power or imposes any duty, then, unless a contrary intention appears, the power may be exercised and the duty shall be performed from time to time as occasion requires.

(3) Where this Order confers a power, or imposes a duty on, or with respect to, a holder of an office, as such then, unless a contrary intention appears, the power may be exercised and the duty shall be performed by, or with respect to, the holder for the time being of the office or the person temporarily acting for the holder.

(4) Where this Order confers a power to make any rules, regulations, or orders, the power shall, unless a contrary intention appears, be construed as including a power exercisable in the like manner and subject to the like consent and conditions, if any, to rescind, revoke, vary, or amend the rules, regulations, or orders.

(5) This Article shall apply to the construction of any rules, regulations, or orders made under this Order, unless a contrary intention appears.

5. The jurisdiction conferred by this Order extends to the persons and matters following, in so far as by Treaty, grant, usage, sufferance, or other lawful means, His Majesty has jurisdiction in relation to such matters and things, that is to say :—

(1) British subjects, as herein defined, within the limits of this Order.

(2) The property and all personal or proprietary rights and liabilities within the said limits of British subjects, whether such subjects are within the said limits or not.

(3) Foreigners in the cases and according to the conditions specified in this Order and not otherwise.

(4) Foreigners, with respect to whom any State, King, Chief, or Government, whose subjects, or under whose protection they are, has by any Treaty as herein defined or otherwise agreed with His Majesty for, or consents to, the exercise of power or authority by His Majesty.

(5) British ships with their boats, and the persons and property on board thereof, or belonging thereto, being within the limits of this Order.

6. All His Majesty's jurisdiction exercisable in China or Corea for the hearing and determination of criminal or civil matters, or for the maintenance of order or for the control or administration of persons or property, or in relation thereto, shall be exercised under and according to the provisions of this Order, and not otherwise.

PART II.—*Constitution and Powers of Courts.*(i) *Supreme Court.*

7.—(1) There shall be a Court styled “ His Britannic Majesty’s Supreme Court for China and Corea ” (in this Order referred to as the Supreme Court, and comprised in the term “ the Court ”).

(2) Subject to the provisions of this Order, there shall be a Judge, and as many Assistant Judges of the Supreme Court as may from time to time be required, who shall respectively be appointed by His Majesty by warrant under his Royal Sign Manual.

Every Judge shall be at the time of his appointment a member of the Bar of England, Scotland, or Ireland, of not less than seven years’ standing.

(3) The Judges, or any two of them, shall sit together for the purposes described in this Order, and the Supreme Court so constituted is hereinafter in this Order referred to as “ the Full Court.”

(4) When the Full Court consists of not more than two Judges, and there is a difference of opinion, the opinion of the Judge, or, in his absence, the Senior Assistant Judge, shall prevail.

(5) Subject to any Rules of Court, the Judge shall make any such arrangements as he thinks fit for the distribution of the business of the Court.

(6) If the Chief Justice in office at the passing of this Order becomes the Judge of the Supreme Court under this Order, he shall retain the title of Chief Justice during his tenure of office.

8. During a vacancy in the office of Judge, or in case of the illness or incapacity of the Judge, or of his absence from the district of the Consulate of Shanghai, the Secretary of State may appoint a fit person to act as Judge, but, unless or until such appointment is made, the Assistant Judge or Senior Assistant Judge shall act as Judge.

An Acting Judge shall, during the continuance of his appointment, have all the power and authority of the Judge.

9. During a vacancy or temporary vacancy in the office of Assistant Judge, or in case of the absence, or illness, or other incapacity of an Assistant Judge, the Judge may, by writing under his hand and the seal of the Supreme Court, appoint any fit person, approved by the Secretary of State, or by His Majesty’s Minister in China, to act as and for such Assistant Judge for the time therein mentioned or during the vacancy, as the case may be ; but every such appointment shall be revocable, at pleasure, by the Judge, by writing under his hand and the seal of the Supreme Court, or by the Secretary of State.

The person so appointed shall, during the continuance of his appointment, have all the power and authority of an Assistant Judge.

10. The Secretary of State may appoint either a person qualified as provided in Article 7, or a Consular officer, to act as an additional

Assistant Judge, and any person so appointed shall, during the continuance of his appointment, have all the power and authority of an Assistant Judge.

11. The Supreme Court shall have a seal, bearing the style of the Court and such device as the Secretary of State approves; but the seal in use at the commencement of this Order shall continue to be used until a new seal is provided.

12.—(1) There shall be attached to the Supreme Court a Sheriff, a Crown Advocate, a Registrar, a Chief Clerk, a Marshal, and such other officers and clerks under such designations as the Secretary of State thinks fit.

(2) The Secretary of State, or His Majesty's Minister in China or Corea, as the case may be, may temporarily attach to the Supreme Court such persons, being Consular officers, as he thinks fit.

(3) Every Officer, Clerk, and other person thus attached shall discharge such duties in connection with the Court as the Judge may direct, subject to any instructions of the Secretary of State.

13. The Sheriff shall have all the powers and authorities of the Sheriff of a county in England, with all the privileges and immunities of the office, and shall be charged with the execution of all decrees, orders, and sentences made and passed by the Supreme Court, on the requisition in that behalf of the Supreme Court.

He shall be entitled to such fees and costs as the Supreme Court may direct.

14. The Registrar shall be appointed by His Majesty.

He shall be either a member of the Bar of England, Scotland, or Ireland, or a Solicitor of the Supreme Court in England or Ireland, or a Writer to His Majesty's Signet or a Solicitor in the Supreme Courts of Scotland.

He may also, with the approval of the Secretary of State, hold the office of Chief Clerk of the Supreme Court.

In case of the absence from Shanghai or of the illness of the Registrar, or during a vacancy in the office of Registrar, or during the employment of the Registrar in another capacity, or on emergency, the Judge may, by writing under his hand and the seal of the Supreme Court, appoint any fit person to act as Registrar for the time therein mentioned, or until the appointment is revoked by the Judge or disapproved or revoked by the Secretary of State.

15. The Judge, each Assistant Judge, and the Registrar shall hold office during the pleasure of His Majesty.

16. In case at any time His Majesty thinks fit by warrant under his Royal Sign Manual to revoke the warrant appointing any person to be Judge, Assistant Judge, or Registrar, or while there is a Judge, Assistant Judge, or Registrar in office, thinks fit by warrant under his Royal Sign Manual to appoint another person to be Judge, Assistant Judge, or Registrar (as the case may be), then, and in every such case, until the warrant of revocation or of new appointment is notified by His Majesty's Minister in China

to the person holding office, all powers and authorities vested in that person shall continue and be deemed to have continued in as full force—and he shall continue, and be deemed to have continued, entitled to all the privileges and emoluments of the office as fully, and all things done by him shall be and be deemed to have been as valid in law—as if such warrant of revocation or new appointment had not been made.

17. The Supreme Court shall ordinarily sit at Shanghai; but may, if it seems expedient, sit at any other place within the limits of this Order, and may at any time transfer its ordinary sittings to any such place as the Secretary of State approves. Under this Article the Judges may sit at the same time at different places, and each sitting shall be deemed to be a sitting of the Supreme Court.

18. The Judge, or, under his directions, an Assistant Judge, may visit, in a magisterial or judicial capacity, any place in China or Corea, and there inquire of, or hear and determine, any case, civil or criminal, and may examine any records or other documents in any Provincial Court, and give directions as to the keeping thereof.

(ii) *Provincial Courts.*

19.—(1) Every commissioned Consular officer, with the exception of those at Shanghai and with such other exceptions (if any) as the Secretary of State thinks fit to make, shall for and in his Consular district hold and form a Court, in this Order referred to as a Provincial Court.

(2) Where His Majesty's Minister in China or Corea, as the case may be, appoints any person to be Acting Consul-General, Consul, or Vice-Consul at any port or place in China or Corea which is for the time being open to foreign trade, and at which no commissioned Consular officer is resident, that person shall hold and form a Provincial Court for the district for which he is appointed to act.

(3) Every Provincial Court shall be styled "His Britannic Majesty's Court at Canton" (or as the case may be).

(4) Every Provincial Court may, with the approval of the Judge of the Supreme Court, appoint a competent person, or persons, to perform such duties and to exercise such powers in and for that Court as are by this Order and any Rules of Court imposed or conferred upon the Registrar and Marshal respectively, and any person so appointed shall perform such duties and exercise such powers accordingly.

(5) Every Provincial Court shall have a seal bearing its style and such device as the Secretary of State from time to time directs; but where such a seal is not provided, the seal of the Consular officer holding the Court may be used.

(iii) *Jurisdiction of Courts.*

20. The Supreme Court, and each Provincial Court, shall, in the exercise of every part of its jurisdiction, be a Court of Record.

21. All His Majesty's jurisdiction, civil and criminal, including any jurisdiction by this Order conferred expressly on a Provincial Court, shall for and within the district of the Consulate of Shanghai be vested exclusively in the Supreme Court as its ordinary original jurisdiction.

22. All His Majesty's jurisdiction, civil and criminal, not under this Order vested exclusively in the Supreme Court, shall to the extent and in the manner provided by this Order be vested in the Provincial Courts.

23. The Supreme Court shall have in all matters, civil and criminal, an original jurisdiction, concurrent with the jurisdiction of the several Provincial Courts, to be exercised subject and according to the provisions of this Order.

24.—(1) The Registrar of the Supreme Court shall, subject to any directions of the Judge, hold preliminary examinations, and shall hear and determine such criminal cases in that Court as are not, under this Order, required to be heard and determined on a charge.

(2) The Registrar shall also have authority to hear and determine such civil actions as may be assigned to him by the Judge, but actions which under this Order are required or directed to be heard with a jury or assessors shall not be so assigned.

(3) For the purposes of this Article the Registrar shall exercise all the powers and jurisdiction of a Provincial Court, and the provisions of this Order with respect to appeal and reserved case in criminal matters and to appeal in civil matters shall apply accordingly.

25.—(1) Where any case, civil or criminal, commenced in a Provincial Court, appears to that Court to be beyond its jurisdiction, or to be one which for any other reason ought to be tried in the Supreme Court, the Provincial Court shall report the case to the Supreme Court for directions.

(2) The Supreme Court may of its own motion, or upon the report of a Provincial Court, or on the application of any party concerned, require any case, civil or criminal, pending in any Provincial Court to be transferred to, or tried in, the Supreme Court, or may direct in what Court and in what mode, subject to the provisions of this Order, any such case shall be tried.

26. The Supreme Court and every Provincial Court shall be auxiliary to one another in all particulars relative to the administration of justice, civil or criminal.

27.\* Every Judge and Officer of the Courts established under this Order, shall, as far as there is proper opportunity, promote reconciliation and encourage and facilitate the settlement in an amicable way and without recourse to litigation, of matters in difference between British subjects, or between British subjects and foreigners in China or Corea.

\* Repealed. See Order in Council of 11th February, 1907 (No. 169), Article 16

28. Subject to the provisions of this Order, criminal and civil cases may be tried as follows :—

(a) In the case of the Supreme Court, by the Court itself, or by the Court with a jury, or with assessors.

(b) In the case of a Provincial Court, by the Court itself, or by the Court with assessors.

29. Any of His Majesty's Courts in China or Corea may cause any summons, order, or judgment issuing from the Supreme Court of Hong Kong, in any civil proceeding, and accompanied by a request in writing under the seal of that Court, to be served in China or Corea.

30.—(1) Notwithstanding anything in this Order, the Court shall not exercise any jurisdiction in any proceeding whatsoever over His Majesty's Minister, or over his official or other residences, or his official or other property.

(2) Notwithstanding anything in this Order, the Court shall not exercise, except with the consent of the Minister signified in writing to the Court, any jurisdiction in any proceeding over any person attached to or being a member of, or in the service of, the Legation. The consent of the Minister may be given, either specially with respect to any person, or generally with respect to any class of persons so attached.

(3) If in any case under this Order it appears to the Court that the attendance of the Minister, or of any person attached to or being a member of the Legation, or being in the service of the Legation, to give evidence before the Court is requisite in the interest of justice, the Court may address to the Minister a request in writing for such attendance.

(4) A person attending to give evidence before the Court shall not be compelled or allowed to give any evidence or produce any document, if, in the opinion of the Minister, signified by him personally or in writing to the Court, the giving or production thereof would be injurious to His Majesty's service.

31. Where, by virtue of any Imperial Act, or of this Order, or otherwise, any provisions of any Imperial Acts, or of any law of a British possession, or of any Orders in Council other than this Order, are applicable in China or Corea, or any forms, regulations, or procedure prescribed or established by or under any such Act, Law, or Order, are made applicable for any purpose of this Order, or any other Order relating to China or Corea, such Acts, Laws, Orders, Forms, Regulations, or procedure may be construed or used with such alterations and adaptations not affecting the substance as may be necessary having regard to local circumstances, and anything required to be done by, to, or before any Court, Judge, officer, or authority may be done by, to, or before a Court, Judge, officer, or authority having the like or analogous functions, or by, to, or before any officer designated by the Secretary of State or by the Court (as the case may require) for that purpose ; and the

seal of the Supreme or Provincial Court (as the case may be) may be substituted for any other seal ; and in case any difficulty occurs in the application, it shall be lawful for a Secretary of State to direct by, to, or before whom and in what manner anything is to be done, and such Act, Law, Order, Form, Regulation, or procedure shall be construed accordingly.

Where under any such Imperial Act, Law, or Order any publication is required to be made, as respects any judicial proceeding, in any "Gazette" or otherwise, such publication shall in China or Corea be made in such newspaper or by such other mode as the Court shall think fit to direct.

*Jurors and Assessors.*

32.—(1) Every male resident British subject—being of the age of 21 years or upwards—having a competent knowledge of the English language—having or earning a gross income at such rate as may be fixed by Rules of Court—not having been attainted of treason or felony, or convicted of any crime that is infamous (unless he has obtained a free pardon)—and not being under outlawry—shall be qualified to serve on a jury.

(2) All persons so qualified shall be liable so to serve, except the following persons, who shall nevertheless be competent to serve, that is to say :—

Persons in His Majesty's Diplomatic, Consular, or other Civil Service, in actual employment ;

Officers, clerks, keepers of prisons, messengers, and other persons attached to or in the service of the Court ;

Officers and others on full pay in His Majesty's navy or army, or in actual employment in the service of any Department connected therewith ;

Persons holding appointments in the civil, naval, or military service of China or Corea ;

Clergymen and other ministers of religion in the actual discharge of professional duties ;

Legal practitioners in actual practice ;

Physicians, surgeons, and apothecaries in actual practice ;

Persons who are over 60 years of age, or are disabled by mental or bodily infirmity.

(3) A jury shall consist of such number of jurors, not more than twelve nor less than five, as may be determined in accordance with Rules of Court ; and in such Rules different provisions may be made with respect to the several places at which the Supreme Court may sit, regard being had to the number of available jurors and any other considerations.

(4) In civil and in criminal cases the like challenges shall be allowed as in England—with this addition, that in civil cases each party may challenge three jurors peremptorily.

(5) A jury shall be required to give an unanimous verdict ;

provided that, with the consent of parties, the verdict of a majority may be taken in civil cases.

33.—(1) An Assessor shall be a competent and impartial British subject, of good repute, nominated and summoned by the Court for the purpose of acting as Assessor.

(2) In the Supreme Court there may be one, two, or three Assessors, as the Court thinks fit.

(3) In a Provincial Court there shall ordinarily be not fewer than two, and not more than four, Assessors. Where, however, by reason of local circumstances, the Court is able to obtain the presence of one Assessor only, the Court may, if it thinks fit, sit with one Assessor only: and where, for like reasons, the Court is not able to obtain the presence of an Assessor, the Court may, if it thinks fit, sit without an Assessor—the Court, in every case, recording in the Minutes its reasons for sitting with one Assessor only or without an Assessor.

(4) An Assessor shall not have any voice in the decision of the Court in any case, civil or criminal; but an Assessor dissenting, in a civil case, from any decision of the Court, or, in a criminal case, from any decision of the Court or the conviction or the amount of punishment awarded, may record in the Minutes his dissent, and the grounds thereof, and shall be entitled to receive without payment a certified copy of the Minutes.

34.—(1) Any person failing to attend as juror or Assessor according to a summons shall be deemed guilty of a contempt of Court, and shall be liable to a fine not exceeding 10*l.*, but a person shall not be liable to fine for non-attendance unless he is resident in the Consular district in which the Court sits.

(2) Any such fine shall not be levied until after the expiration of fourteen days. The proper officer of the Court shall forthwith give to the person fined notice in writing of the imposition of the fine, and require him within six days after receipt of the notice to file an affidavit excusing non-attendance (if he desire to do so). The Court shall consider the affidavit, and may, if it seems proper, remit or reduce the fine.

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### PART III.—*Criminal Matters.*

35.—(1) Except as regard offences made or declared such by this or any other Order relating to China or Corea, or by any Rules or Regulations made under any Order:—

Any Act that would not by a Court of Justice having criminal jurisdiction in England be deemed an offence in England, shall not, in the exercise of criminal jurisdiction under this Order, be deemed an offence, or be the subject of any criminal proceeding under this Order.

(2) Subject to the provisions of this Order, criminal jurisdiction under this Order shall, as far as circumstances admit, be exercised



on the principles of, and in conformity with, English law for the time being, and with the powers vested in the Courts of Justice and Justices of the Peace in England, according to their respective jurisdiction and authority.

*Local Jurisdiction in Criminal Matters.*

36. Every Court may cause to be summoned or arrested, and brought before it, any person subject to and being within the limits of its jurisdiction, and accused of having committed an offence cognizable under this Order, and may deal with the accused according to the jurisdiction of the Court and in conformity with the provisions of this Order.

37. For the purposes of criminal jurisdiction every offence and cause of complaint committed or arising within the limits of this Order shall be deemed to have been committed or to have arisen, either in the place where the same actually was committed or arose, or in any place where the person charged or complained of happens to be at the time of the institution or commencement of the charge or complaint.

38. Where a person accused of an offence escapes or removes from the Consular district within which the offence was committed, and is found within another Consular district, the Court within whose district he is found may proceed in the case to trial and punishment, or to preliminary examination (as the case may require), in like manner as if the offence had been committed in its own district; or may, on the requisition or with the consent of the Court within whose district the offence was committed, send him in custody to that Court, or require him to give security for his surrender to that Court, there to be dealt with according to law.

Where any person is to be so sent in custody, a warrant shall be issued by the Court within whose district he is found, and that warrant shall be sufficient authority to any person to whom it is directed to receive and detain the person therein named, and to carry him to and deliver him up to the Court within whose district the offence was committed, according to the warrant.

39.—(1) In cases of murder or manslaughter, if either the death, or the criminal act which wholly or partly caused the death, happened within the jurisdiction of a Court acting under this Order, that Court shall have the like jurisdiction over any British subject who is accused either as the principal offender, or as accessory before the fact to murder, or as accessory after the fact to murder or manslaughter, as if both the criminal act and the death had happened within that jurisdiction.

(2) In the case of any offence committed on the high seas, or within the Admiralty jurisdiction, by any British subject on board a British ship, or on board a foreign ship to which he did not belong, the Court shall, subject to the provisions of this Order, have jurisdiction as if the offence had been committed within the

jurisdiction of that Court. In cases tried under this Article no different sentence can be passed from the sentence which could be passed in England if the offence were tried there.

(3) The foregoing provisions of this Article shall be deemed to be adaptations, for the purposes of this Order and of the Foreign Jurisdiction Act, 1890, of the following enactments, that is to say :—

The Admiralty Offences (Colonial) Act, 1849.

The Admiralty Offences (Colonial) Act, 1860.

The Merchant Shipping Act, 1894, Part XIII. And those enactments shall apply accordingly and be administered in China and Corea.

*Apprehension and Custody of Accused Persons.*

40.—(1) Where a person accused of an offence is arrested on a warrant issuing out of any Court, he shall be brought before the Court within forty-eight hours after the arrest, unless in any case circumstances unavoidably prevent his being brought before the Court within that time, which circumstances shall be recorded in the Minutes.

(2) In every case he shall be brought before the Court as soon as circumstances reasonably admit, and the time and circumstances shall be recorded in the Minutes.

41.—(1) Where an accused person is in custody, he shall not be remanded at any time for more than seven days, unless circumstances appear to the Court to make it necessary or proper that he should be remanded for a longer time, which circumstances and the time of remand shall be recorded in the Minutes.

(2) In no case shall a remand be for more than fourteen days at one time, unless in case of illness of the accused or other case of necessity.

42. Where the Supreme Court or a Provincial Court issues a summons or warrant against any person on complaint of an offence committed on board of, or in relation to, a British ship, then, if it appears to the Court that the interests of public justice so require, the Court may issue a warrant or order for the detention of the ship, and may cause the ship to be detained accordingly, until the charge is heard and determined, and the order of the Court thereon is fully executed, or for such shorter time as the Court thinks fit ; and the Court shall have power to make all such orders as appears to it necessary or proper for carrying this provision into effect.

43. Every Provincial Court shall execute any writ, order, or warrant issuing from the Supreme Court, and may take security from any person named therein for his appearance personally or by attorney, according to the writ, order, or warrant ; or may cause such person to be taken in custody or otherwise to the Supreme Court or elsewhere in China or Corea, according to the writ, order, or warrant.

44.—(1) The Court may, in its discretion, admit to bail a person accused of any of the following offences, namely :—

Any felony.

Riot.

Assault on any officer in the execution of his duty, or on any person acting in his aid.

Neglect or breach of duty by an officer.

But a person accused of treason or murder shall not be admitted to bail except by the Supreme Court.

(2) In all other cases the Court shall admit the accused to bail unless the Court, having regard to the circumstances, sees good reason to the contrary, which reason shall be recorded in the Minutes.

(3) The Supreme Court may admit a person to bail, although a Provincial Court has not thought fit to do so.

(4) The accused who is to be admitted to bail, either on remand or on or after trial ordered, shall produce such surety or sureties as, in the opinion of the Court, will be sufficient to insure his appearance as and when required, and shall with him or them enter into a recognizance accordingly.

*Trial with Jury or Assessors.*

45.—(1) Where the offence charged is treason or murder, the case must be tried on a charge before the Supreme Court with a jury.

(2) In each of the two following cases, namely :—

(i) Where the offence charged is rape, arson, house-breaking, robbery with violence, piracy, forgery, or perjury ; or

(ii) Where the offence charged is any other than as aforesaid, but it appears to the Court at any time before the trial, the opinion of the Court being recorded in the Minutes, that the offence charged, if proved, would not be adequately punished by imprisonment for three months with hard labour, or by a fine of 20*l.*, or both such imprisonment and fine—

The offence shall be tried on a charge with a jury or assessors (according to the provisions of this Order applicable to the Court) ; but may, with the consent of the accused, be tried without assessors or jury. In the Supreme Court, when the accused does not so consent, the charge shall be tried with a jury, unless the Court is of opinion that a jury cannot be obtained.

(3) The Supreme Court may, for any special reason, direct that any case shall be tried with assessors or a jury, and a Provincial Court may, for any special reason, direct that any case shall be tried with assessors. In each such case the special reason shall be recorded in the Minutes.

46.—(1) Where an accused person is ordered to be tried before a Court with a jury or with assessors, he shall be tried as soon after the making of the order as circumstances reasonably admit.

(2) As long notice of the time of trial as circumstances reasonably

## [British Jurisdiction.]

admit shall be given to him in writing, under the seal of the Court, which notice, and the time thereof, shall be recorded in the Minutes.

47.—(1) The Supreme Court shall, when required by the Secretary of State, send to him a report of the sentence of the Court in any case tried before that Court with a jury or assessors, with a copy of the Minutes and notes of evidence, and with any observations which the Court thinks fit to make.

(2) Every Provincial Court shall, in accordance with Rules of Court, send to the Supreme Court a report of the sentence of the Court in every case tried by the Court with assessors, with such Minutes, notes of evidence, and other documents as such Rules may direct, and with any observations which the Court thinks fit to make.

*Summary Trial.*

48. Where the complaint discloses an offence which is not required or directed to be heard on a charge, the accused may be tried summarily on the complaint: Provided that where an offence is tried summarily no greater punishment shall be awarded than imprisonment for three months, or a fine of 20*l.*, or both.

*Preliminary Examination.*

49.—(1) Where the accused is before the Court, and it appears to the Court that the complaint discloses an offence—

(a) Which ought to be tried in or reported to another Court; or

(b) Which ought to be tried before the same Court with a jury or assessors;

the Court shall proceed to make a preliminary examination in the prescribed manner.

(2) On the conclusion of the preliminary examination, the Court shall bind by recognizance the prosecutor and every witness to appear at the trial to prosecute, or to prosecute and give evidence, or to give evidence (as the case may be), and if the case is to be tried in or reported to another Court, shall forthwith send the depositions, with a minute of other evidence (if any) and a report, to the Court before which the trial is to take place.

50. Where a British subject is accused of an offence the cognizance whereof appertains to any Court established under this Order, and it is expedient that the offence be inquired of, tried, determined, and punished in a British possession, the accused may (under the Foreign Jurisdiction Act, 1890, Section 6) be sent for trial to Hong Kong or to Burma; and the Supreme Court of Hong Kong and the Sessions Court at Mandalay shall respectively be the authorized Courts for the purposes of that enactment.

The Court may, where it appears so expedient, by warrant under the hand of a Judge and the seal of the Court, cause the accused to be sent for trial to Hong Kong or to Mandalay accordingly.

The warrant shall be sufficient authority to any person to whom it is directed to receive and detain the person therein named, and to carry him to and deliver him up at Hong Kong or Mandalay, according to the warrant.

Where any person is to be so sent to Hong Kong or to Burma, the Court before which he is accused shall take the preliminary examination, and, if it seems necessary and proper, shall bind over such of the proper witnesses as are British subjects in their own recognizances to appear and give evidence on the trial.

51.—(1) If a British subject, having appeared as prosecutor or witness at a preliminary examination, refuses to enter into a recognizance to appear at the trial to prosecute or give evidence, the Court may send him to prison, there to remain until after the trial, unless in the meantime he enters into a recognizance.

(2) But if afterwards, from want of sufficient evidence or other cause, the accused is discharged, the Court shall order that the person imprisoned for so refusing be also discharged.

(3) Where the prosecutor or witness is not a British subject, the Court may require him either to enter into a recognizance or to give other security for his attendance at the trial, and if he fails to do so may in its discretion dismiss the charge.

52. Subject to Rules of Court made under this Order, the Court may order payment of allowances in respect of their reasonable expenses to any complainant or witness attending before the Court on the trial of any criminal case by a jury or with assessors, and also to jurors, assessors, interpreters, medical practitioners, or other persons employed in or in connection with criminal cases.

#### *Charges.*

53.—(1) The charge upon which an accused person is tried shall state the offence charged, with such particulars as to the time and place of the alleged offence, and the person (if any) against whom or the thing (if any) in respect of which it was committed, as are reasonably sufficient to give the accused notice of the matter with which he is charged.

(2) The fact that a charge is made is equivalent to a statement that every legal condition required by law to constitute the offence charged was fulfilled in the particular case.

(3) Where the nature of the case is such that the particulars above mentioned do not give such sufficient notice as aforesaid, the charge shall also contain such particulars of the manner in which the alleged offence was committed as will give such sufficient notice.

(4) For the purposes of the application of any Statute law, a charge framed under the provisions of this Order shall be deemed to be an indictment.

54. For every distinct offence of which any person is accused there shall be a separate charge, and every such charge shall be tried separately, except in the cases following, that is to say :—

(a) Where a person is accused of more offences than one of the same kind committed within the space of twelve months from the first to the last of such offences, he may be charged with, and tried at one trial for, any number of them not exceeding three.

(b) If in one series of acts so connected together as to form the same transaction more offences than one are committed by the same person, he may be charged with and tried at one trial for every such offence.

(c) If the acts alleged constitute an offence falling within two or more definitions or descriptions of offences in any law or laws, the accused may be charged with, and tried at one trial for, each of such offences.

(d) If several acts constitute several offences, and also when combined, a different offence, the accused may be charged with, and tried at one trial for, the offence constituted by such acts when combined, or one or more of the several offences, but in the latter case shall not be punished with more severe punishment than the Court which tries him could award for any one of those offences.

(e) If a single act or series of acts is of such a nature that it is doubtful which of several offences the facts which can be proved will constitute, the accused may be charged with having committed all or any of such offences, and any number of such charges may be tried at once; or he may be charged in the alternative with having committed some one of the offences; and if it appears in evidence that he has committed a different offence for which he might have been charged, he may be convicted of that offence, although not charged with it.

55. When more persons than one are accused of the same offence or of different offences committed in the same transaction, or when one is accused of committing an offence and another of abetting or attempting to commit that offence, they may be charged and tried together or separately, as the Court thinks fit.

56.—(1) Any Court, if sitting with a jury or assessors, may alter any charge at any time before the verdict of the jury is returned or the opinions of the assessors are expressed; if sitting without jury or assessors, at any time before judgment is pronounced.

(2) Every such alteration shall be read and explained to the accused.

(3) If the altered charge is such that proceeding with the trial immediately is likely, in the opinion of the Court, to prejudice the accused or the prosecutor, the Court may either direct a new trial or adjourn the trial for such period as may be necessary.

57.—(1) No error or omission in stating either the offence or the particulars shall be regarded at any stage of the case as material, unless the accused was misled by such error or omission.

(2) When the facts alleged in certain particulars are proved and constitute an offence, and the remaining particulars are not

proved, the accused may be convicted of the offence constituted by the facts proved, although not charged with it.

(3) When a person is charged with an offence, and the evidence proves either the commission of a minor offence or an attempt to commit the offence charged, he may be convicted of the minor offence or of the attempt.

58.—(1) If the accused has been previously convicted of any offence, and it is intended to prove such conviction for the purpose of affecting the punishment which the Court is competent to award, the fact, date, and place of the previous conviction shall be stated in the charge.

(2) If such statement is omitted, the Court may add it at any time before sentence is passed.

(3) The part of the charge stating the previous convictions shall not be read out in Court, nor shall the accused be asked whether he has been previously convicted, as alleged in the charge, unless and until he has either pleaded guilty to, or been convicted of, the subsequent offence.

(4) If he pleads guilty to, or is convicted of, the subsequent offence, he shall then be asked whether he has been previously convicted, as alleged in the charge.

(5) If he answers that he has been so previously convicted, the Court may proceed to pass sentence on him accordingly; but, if he denies that he has been so previously convicted, or refuses to, or does not, answer such question, the Court shall then inquire concerning such previous conviction, and in such case (where the trial is by jury) it shall not be necessary to swear the jurors again.

#### *Punishments.*

59. The powers of the Courts with respect to punishments are limited as follows :—

(1) The Supreme Court may award in respect of an offence any punishment which may in respect of a similar offence be awarded in England: provided that (a) imprisonment with hard labour shall be substituted for penal servitude and (b) the Supreme Court shall not award a fine exceeding 500*l.*; or, in case of a continuing offence, in addition to imprisonment or fine, or both, a fine exceeding 1*l.* for each day during which the offence continues after conviction.

(2) A Provincial Court may award imprisonment, not exceeding twelve months, with or without hard labour, and with or without a fine not exceeding 100*l.*; or a fine not exceeding 100*l.*, without imprisonment; or in case of a continuing offence, in addition to imprisonment or fine or both, a fine not exceeding 10*s.* for each day during which the offence continues after conviction.

(3) But nothing in this Article shall be deemed to empower any Court to award for any offence any punishment not authorized by law in relation to that offence.

60.—(1) If any person is guilty of an offence against this Order not distinguished as a grave offence against this Order, he is liable—

- (i) To a fine not exceeding 5*l.*, without any imprisonment ; or
- (ii) To imprisonment not exceeding one month, without fine ; or
- (iii) To imprisonment not exceeding fourteen days, with a fine not exceeding 50*s.*

(2) Imprisonment under this Article is without hard labour.

61.—(1) If any person is guilty of an offence against this Order, distinguished as a grave offence against this Order, he is liable—

- (i) To a fine not exceeding 10*l.*, without imprisonment ; or
- (ii) To imprisonment not exceeding two months, without fine ; or
- (iii) To imprisonment not exceeding one month, with a fine not exceeding 5*l.*

(2) Imprisonment under this Article is, in the discretion of the Court, with or without hard labour.

62.—(1) The Court may, if it thinks fit, order a person convicted of an assault to pay to the person assaulted by way of damages any sum not exceeding 10*l.*

(2) Damages so ordered to be paid may be either in addition to or in lieu of a fine, and shall be recoverable in like manner as a fine.

(3) Payment of such damages shall be a defence to an action for the assault.

63.—(1) The Court may, if it thinks fit, order a person convicted before it to pay all or part of the expenses of his prosecution, or of his imprisonment or other punishment or of both, the amount being specified in the order.

(2) Where it appears to the Court that the charge is malicious, or frivolous and vexatious, the Court may, if it thinks fit, order the complainant to pay all or part of the expenses of the prosecution, the amount being specified in the order.

(3) In these respective cases the Court may, if it thinks fit, order that the whole or such portion as the Court thinks fit of the expenses so paid be paid over to the complainant or to the accused (as the case may be).

(4) In all cases the reasons of the Court for making any such order shall be recorded in the Minutes.

64. Where any person is sentenced by the Supreme Court to suffer the punishment of death, the Judge shall forthwith send a report of the sentence, with a copy of the Minutes of Proceedings and notes of evidence in the case, and with any observations he thinks fit, to His Majesty's Minister in China or Corea as the case may be.

The sentence shall not be carried into execution without the direction of His Majesty's Minister in writing under his hand.

If His Majesty's Minister does not direct that the sentence of death be carried into execution, he shall direct what punishment in lieu of the punishment of death is to be inflicted on the person convicted, and the person convicted shall be liable to be so punished accordingly.



65.—(1) The Judge of the Supreme Court may by general order, approved by the Secretary of State, prescribe the manner in which and the prisons in China or Corea at which punishments passed by any Court or otherwise awarded under this Order are to be carried into execution.

(2) The warrant of any Court shall be sufficient authority to any person to whom it is directed to receive and detain the person therein named in any prison so prescribed.

(3) For the purposes of this Article "China" includes places within the limits of the Wei-hai-Wei Order in Council, 1901.

66.—(1) Where an offender is sentenced to imprisonment, and the Supreme Court thinks it expedient that the sentence be carried into effect within His Majesty's dominions, and the offender is accordingly, under Section 7 of the Foreign Jurisdiction Act, 1890, sent for imprisonment to a place in His Majesty's dominions, the place shall be either Hong Kong, or a place in some other part of His Majesty's dominions, the Government whereof consents that offenders may be sent thither under this Article.

(2) The Supreme Court may, by warrant under the hand of a Judge and the seal of the Court, cause the offender to be sent to Hong Kong, or other such place as aforesaid, in order that the sentence may be there carried into effect accordingly.

(3) The warrant shall be sufficient authority to any person to whom it is directed to receive and detain the person therein named, and to carry him to and deliver him up at the place named, according to the warrant.

67.—(1) A Judge of the Supreme Court may, if he thinks fit, report to the Secretary of State or to the Minister in China or in Corea, as the case may be, recommending a mitigation or remission of any punishment awarded by any Court, and thereupon the punishment may be mitigated or remitted by the Secretary of State or Minister.

(2) Nothing in this Order shall affect His Majesty's prerogative of pardon.

#### *Inquests.*

68.—(1) The Court shall have and discharge all the powers and duties appertaining to the office of Coroner in England, in relation to deaths of British subjects happening in the district of the Court.

(2) The Court may also exercise the said powers in relation to deaths of any persons having happened at sea on board British ships arriving in the district, and to deaths of British subjects having happened at sea on board foreign ships so arriving.

(3) The jurisdiction of the Court under this Article shall be exercised, subject to the following provisions:—

(a) Where a British subject is charged with causing the death, the Court may, without holding an inquest, proceed forthwith with the preliminary examination.

(b) Where a British subject is not charged with causing the death, the Court shall, without any jury, hold an inquest, taking the depositions of those who know the facts. If, during or after the inquest, a British subject is so charged, the depositions shall be read over in the presence of the witnesses and of the accused, who shall be entitled to cross-examine each witness, and the procedure shall be as in other cases of preliminary examination. If after the inquest the Court does not see fit to cause any person to be charged, the Court shall certify its opinion of the cause of the death. When the inquest is held by a Provincial Court, the certificate and the depositions shall be sent forthwith to the Supreme Court, and that Court may give any directions which may seem proper in the circumstances.

(4) In this Article the expression "the Court" includes the Registrar of the Supreme Court.

*Statutory or other Offences.*

69.\* Any act which, if done in the United Kingdom, or in a British possession, would be an offence against any of the following Statutes of the Imperial Parliament or Orders in Council, that is to say—

The Merchandise Marks Act, 1887 ;

The Patents, Designs, and Trade Marks Acts, 1883 to 1888 ;

Any Act, Statute, or Order in Council for the time being in force relating to copyright, or to inventions, designs, or trade-marks ;

Any Statute amending, or substituted for, any of the above-mentioned Statutes ;

Shall, if done by a British subject in China or Corea, be punishable as a grave offence against this Order, whether such act is done in relation to any property or right of a British subject, or of a foreigner, or native, or otherwise howsoever :

Provided—

(1) That a copy of any such Statute or Order in Council shall be published in the public office of the Consulates at Shanghai and Seoul, and shall be there open for inspection by any person at all reasonable times ; and a person shall not be punished under this Article for anything done before the expiration of one month after such publication, unless the person offending is proved to have had express notice of the Statute or Order in Council.

(2) That a prosecution by or on behalf of a prosecutor who is not a British subject shall not be entertained unless the Court is satisfied that effectual provision exists for the punishment in Consular or other Courts in China or Corea of similar acts committed by the subjects of the State or Power of which such prose-

\* Repealed. See Order in Council of 11th February, 1907 (No. 169), Articles 3 and 16.

cutor is a subject, in relation to, or affecting the interests of, British subjects.

70.—(1) If a British subject—

(i) Smuggles, or attempts to smuggle, out of China or Corea any goods on exportation whereof a duty is payable to the Chinese or Corean Government ;

(ii) Imports or exports, or attempts to import or export, into or out of China or Corea any goods, intending and attempting to evade payment of duty payable thereon to the Chinese or Corean Government ;

(iii) Imports or exports, or attempts to import or export, into or out of China or Corea any goods the importation or exportation whereof, into or out of China or Corea, is prohibited by law ;

(iv) Without a proper licence, sells, or attempts to sell, or offers for sale, in China or Corea, any goods whereof the Chinese or Corean Government has by law a monopoly.

In each of the four cases aforesaid he shall be guilty of an offence against this Order, and on conviction shall be liable to imprisonment, with or without hard labour, for any term not exceeding six months, and with or without a fine not exceeding 100*l.*, or to a fine not exceeding 100*l.* without imprisonment.

(2) Where a person is charged with such an offence as in this Article is mentioned, the Court may seize the goods in relation to which the alleged offence was committed, and may hold the same until after the hearing of the charge.

(3) If a person so charged is convicted, then those goods, whether they have been so seized or not, shall be forfeited to His Majesty the King, and the Court shall dispose of them, subject to any general or special directions of the Secretary of State, as the Court thinks fit.

71.—(1) If any British subject, without His Majesty's authority, proof whereof shall lie on the party accused, does any of the following things, that is to say :—

(a) Levies war or takes any part in any operation of war against, or aids or abets any person in carrying on war, insurrection, or rebellion against the Government of China or of Corea ; or,

(b) Takes part in any operation of war in the service of the Government of China or of Corea against any persons engaged in carrying on war, insurrection, or rebellion against those respective Governments he shall be guilty of an offence against this Order, and, on conviction thereof, shall be liable to imprisonment, with or without hard labour, for any term not exceeding two years, and with or without a fine not exceeding 500*l.*, or to a fine not exceeding 500*l.* without imprisonment.

(2) In addition to any such punishment every conviction under the provisions of this Article shall of itself, and without further proceedings, make the person convicted liable to deportation, and the Court may order him to be deported from China or Corea in manner provided by this Order.

(3) Where a person accused of an offence against this Article is brought before a Provincial Court, that Court shall report the case to the Supreme Court, and the Supreme Court shall thereupon direct in what mode and where the case shall be heard and determined, and the case shall be heard and determined accordingly.

72. Any British subject being in China or Corea may be proceeded against, tried, and punished under this Order for piracy wherever committed.

If a person accused of piracy is brought before a Provincial Court, that Court shall report the case to the Supreme Court, and the Supreme Court shall thereupon give such directions as it may think fit with respect to the trial.

73. If any British subject in China or in Corea violates or fails to observe any stipulation of any Treaty between His Majesty, his predecessors, heirs, or successors, and the Emperor of China or of Corea for the time being in force, in respect of the violation whereof any penalty is stipulated for in the Treaty, he shall be deemed guilty of an offence against the Treaty, and on conviction thereof under this Order shall be liable to a penalty in accordance with the stipulations of the Treaty.

74.—(1) Where, by agreement among the Diplomatic or Consular Representatives in China or Corea of foreign States, or some of them, in conjunction with the Chinese or Corean authorities, Sanitary, or Police, or Port, or Game, or other Regulations are established, and the same, as far as they affect British subjects, are approved by the Secretary of State, the Court may, subject and according to the provisions of this Order, entertain any complaint made against a British subject for a breach of those Regulations, and may enforce payment of any fine incurred by that subject or person in respect of that breach, in like manner, as nearly as may be, as if that breach were by this Order declared to be an offence against this Order.

(2) In any such case the fine recovered shall, notwithstanding anything in this Order, be disposed of and applied in manner provided by those Regulations.

75.\* Every person subject to the criminal jurisdiction of the Court who prints, publishes, or offers for sale any printed or written newspaper or other publication containing matter calculated to excite tumult or disorder, or to excite enmity between His Majesty's subjects and the Government of China or Corea, as the case may be, or between that Government and its subjects, shall be guilty of a grave offence against this Order, and may, in addition to, or in lieu of, any other punishment, be ordered to give security for good behaviour, and in default thereof, or on a further conviction for the like offence, he may be ordered to be deported.

An offence against this Article shall not be tried except by the Supreme Court.

\* Repealed. See Order in Council of 11th February, 1907 (No. 169), Articles 5 and 16.

76.—(1) If a British subject—

(i) Publicly derides, mocks, or insults any religion established or observed within China or Corea ; or

(ii) Publicly offers insult to any religious service, feast, or ceremony established or kept in any part of those dominions, or to any place of worship, tomb, or sanctuary belonging to any religion established or observed within those dominions, or to the ministers or professors thereof ; or

(iii) Publicly and wilfully commits any act tending to bring any religion established or observed within those dominions, or its ceremonies, mode of worship, or observances, into hatred, ridicule, or contempt, and thereby to provoke a breach of the public peace ;

he shall be guilty of an offence, and on conviction thereof, liable to imprisonment not exceeding two years, with or without hard labour, and with or without a fine not exceeding 50*l.*, or to a fine alone not exceeding 50*l.*

(2) Notwithstanding anything in this Order, every charge under this Article shall be heard and determined by the Court alone, without jury or assessors, and any Provincial Court shall have power to impose the punishment aforesaid.

(3) Consular officers shall take such precautionary measures as seem to them proper and expedient for the prevention of such offences.

77.—(1) If any person, subject to the criminal jurisdiction of a Court, does any of the following things, namely :—

(a) Wilfully, by act or threat, obstructs an officer of, or person executing any process of, the Court in the performance of his duty ; or

(b) Within or close to the room or place where the Court is sitting wilfully misbehaves in a violent, threatening, or disrespectful manner, to the disturbance of the Court, or to the intimidation of suitors or others resorting thereto ; or

(c) Wilfully insults any member of the Court, or any assessor or juror, or any person acting as clerk or officer of the Court, during his sitting or attendance in Court, or in his going to or returning from Court ; or

(d) Does any act in relation to the Supreme Court or a Provincial Court or a matter pending therein, which, if done in relation to the High Court in England, would be punishable as a contempt of that Court,—

he shall be guilty of a grave offence against this Order :

Provided that the Court, if it thinks fit, instead of directing proceedings as for an offence against this Order, may order the offender to be apprehended forthwith, with or without warrant, and on inquiry and consideration, and after the hearing of any defence which such person may offer, without further process or trial, may adjudge him to be punished with a fine not exceeding

10l., or with imprisonment not exceeding twenty-four hours, at the discretion of the Court.

(2) A Minute shall be made and kept of every such case of punishment, recording the facts of the offence, and the extent of the punishment. In the case of a Provincial Court, a copy of the Minute shall be forthwith sent to the Supreme Court.

(3) Nothing herein shall interfere with the power of the Court to remove or exclude persons who interrupt or obstruct the proceedings of the Court.

78.—(1) If an officer of the Court employed to execute an order loses by neglect or omission the opportunity of executing it, then, on complaint of the person aggrieved, and proof of the fact alleged, the Court may, if it thinks fit, order the officer to pay the damages sustained by the person complaining, or part thereof.

(2) The order shall be enforced as an order directing payment of money.

79.—(1) If a clerk or officer of the Court, acting under pretence of the process or authority of the Court, is charged with extortion, or with not paying over money duly levied, or with other misconduct, the Court, if it thinks fit, may inquire into the charge in a summary way, and may for that purpose summon and enforce the attendance of all necessary persons, as in an action, and may make such order for the repayment of any money extorted, or for the payment over of any money levied, and for the payment of such damages and costs, as the Court thinks fit.

(2) The Court may also, if it thinks fit, on the same inquiry, impose on the clerk or officer such fine, not exceeding 5l. for each offence, as the Court thinks fit.

(3) A clerk or officer against whom an order has been made, or who has been acquitted under this Article, shall not be liable to an action in respect of the same matter; and any such action, if begun, shall be stayed by the Court in such manner and on such terms as the Court thinks fit.

*Authority within 100 miles of Coast.*

80.—(1) Where a British subject, being in China or Corea, is charged with having committed, either before or after the commencement of this Order, any offence within a British ship at a distance of not more than 100 miles from the coast of China, or within a Chinese or Corean ship at such a distance as aforesaid, or within a ship not lawfully entitled to claim the protection of the flag of any State, at such a distance as aforesaid, any of His Majesty's Courts in China or Corea within the jurisdiction whereof he is found may cause him to be apprehended and brought before it, and may take the preliminary examination and commit him for trial.

(2) If the Court before which the accused is brought is a Provincial Court, the Court shall report to the Supreme Court the pendency of the case.

The Supreme Court shall thereupon direct in what mode, and where the case shall be heard and determined, and (notwithstanding anything in this Order) the case shall be so heard and determined accordingly.

(3) The provisions of this Order relative to offences, and proceedings in criminal matters, shall in all respects, as far as may be, extend and apply to every such case, in like manner as if the offence had been committed in China or Corea.

81. Where a British subject, being in Hong Kong, is charged with having committed, either before or after the commencement of this Order, any crime or offence within any British, Chinese, or Corean ship at such a distance as aforesaid, the Supreme Court at Hong Kong shall have and may exercise authority and jurisdiction with respect to the crime or offence as fully as if it had been committed in Hong Kong.

82. His Majesty's Minister in China or Corea, any Judge of the Supreme Court, any Consular officer in China or Corea, or the Governor of Hong Kong, on receiving satisfactory information that any soldier, sailor, marine, or other person belonging to any of His Majesty's military or naval forces, has deserted therefrom, and has concealed himself in any British ship at such a distance as aforesaid, may, in pursuance of such information, issue his warrant for a search after and apprehension of such deserter, and on being satisfied on investigation that any person so apprehended is such a deserter, shall cause him to be, with all convenient speed, taken and delivered over to the nearest military station of His Majesty's forces, or to the officer in command of a ship of war of His Majesty serving in China or Corea, as the case may require.

#### *Deportation.*

83.—(1) Where it is proved that there is reasonable ground to apprehend that a British subject is about to commit a breach of the public peace—or that the acts or conduct of a British subject are or is likely to produce or excite to a breach of the public peace—the Court may, if it thinks fit, cause him to be brought before it, and require him to give security to the satisfaction of the Court, to keep the peace, or for his future good behaviour, as the case may require.

(2) Where a British subject is convicted of an offence before the Court, the Court may, if it thinks fit, require him to give security to the satisfaction of the Court for his future good behaviour, and for that purpose may (if need be) cause him to be brought before the Court.

(3) In either of the foregoing cases, if the person required to give security fails to do so, the Court may order that he be deported from China or Corea to such place as the Court directs.

(4) The place shall be a place in some part (if any) of His

Majesty's dominions to which the person belongs, or the Government of which consents to the reception of persons deported under this Order.

(5) A Provincial Court shall report to the Supreme Court any order of deportation made by it and the grounds thereof, before the order is executed. The Supreme Court may reverse the order, or may confirm it with or without variation, and, in case of confirmation, shall direct it to be carried into effect.

(6) The person to be deported shall be detained in custody until a fit opportunity for his deportation occurs.

(7) He shall, as soon as is practicable, and, in the case of a person convicted, either after execution of the sentence or while it is in course of execution, be embarked in custody under the warrant of the Supreme Court on board one of His Majesty's ships of war, or, if there is no such ship available, then on board any British or other fit ship bound to the place of deportation.

(8) The warrant shall be sufficient authority to the commander or master of the ship to receive and detain the person therein named, and to carry him to and deliver him up at the place named according to the warrant.

(9) The Court may order the person to be deported to pay all or any part of the expenses of his deportation. Subject thereto, the expenses of deportation shall be defrayed in such manner as the Secretary of State, with the concurrence of the Treasury, may direct.

(10) The Supreme Court shall forthwith report to the Secretary of State any order of deportation made or confirmed by it and the grounds thereof, and shall also inform His Majesty's Minister in China or Corea as the case may require.

(11) If any person deported under this or any former Order returns to China or Corea without permission in writing of the Secretary of State (which permission the Secretary of State may give), he shall be deemed guilty of a grave offence against this Order; and he shall also be liable to be forthwith again deported.

84.\* Where any person is deported to Hong Kong, he shall on his arrival there be delivered, with the warrant under which he is deported, into the custody of the Chief Magistrate of Police of Hong Kong, who, on receipt of the person deported, with the warrant, shall detain him and shall forthwith report the case to the Governor of Hong Kong, who shall either by warrant (if the circumstances of the case appear to him to make it expedient) cause the person so deported to be taken to England, and in the meantime to be detained in custody (so that the period of such detention do not exceed three months), or else shall discharge him from custody.

\* Repealed. See Order in Council of 11th February, 1907 (No. 169), Articles 6 and 16.



*Appeal and Reserved Case.*

85.\* Where a person is convicted of any offence before any Court—

(a) If he considers the conviction erroneous in law, then, on his application, within the prescribed time (unless it appears merely frivolous, when it may be refused); or

(b) If the Judge thinks fit to reserve for consideration of the full Supreme Court any question of law arising on the trial; the Judge shall state a case, setting out the facts and the grounds of the conviction, and the question of law, and send or deliver it to the Registrar of the Supreme Court.

86.—(1) Where a case is stated under the last preceding Article, the Court, before whom the trial was had, shall, as it thinks fit, either postpone judgment on the conviction, or respite execution of the judgment, and either commit the person convicted to prison, or take security for him to appear and receive judgment, or to deliver himself for execution of the judgment (as the case may require), at an appointed time and place.

(2) The full Supreme Court, sitting without a jury or assessors, shall hear and determine the matter, and thereupon shall reverse, affirm, or amend the judgment given, or set it aside, and order an entry to be made in the Minutes that, in the judgment of the Supreme Court, the person ought not to have been convicted, or order judgment to be given at a subsequent sitting of the Provincial Court, or order a new trial, or make such other order as the Supreme Court thinks just, and shall also give all necessary and proper consequential directions.

(3) The judgment of the full Court shall be delivered in open Court, after the public hearing of any argument offered on behalf of the prosecutor or of the person convicted.

(4) Before delivering judgment, the full Court may, if necessary, cause the case to be amended by the Provincial Court.

(5) The full Court shall not annul a conviction or sentence, or vary a sentence, or order a new trial on the ground—

(a) Of any objection which, if stated during the trial, might, in the opinion of the Supreme Court, have been properly met by amendment at the trial; or

(b) Of any error in the summoning of assessors; or

(c) Of any person having served as assessor who was not qualified or

(d) Of any objection to any person as assessor which might have been raised before or at the trial; or

(e) Of any informality in the swearing of any witness; or

(f) Of any error or omission in the charge, or any informality in procedure which, in the opinion of the Supreme Court, did not affect the substance of the case or subject the convicted person to any undue prejudice.

\* See Order in Council of 11th February, 1907 (No. 169), Article 7.

87. There shall be no appeal in a criminal case to His Majesty the King in Council from a decision of the Supreme Court, except by special leave of His Majesty in Council.

*Fugitive Offenders.*

88. The Fugitive Offenders Act, 1881, and the Colonial Prisoners Removal Act, 1884, shall apply to China and Corea, as if those places were a British possession and part of His Majesty's dominions.

Subject as follows :—

(a) His Majesty's Minister in China or Corea as the case may require, is hereby substituted for the Governor or Government of a British possession, and

(b) The Supreme Court is hereby substituted for a Superior Court of a British possession.

(c) The Supreme Court and each Provincial Court is substituted for a Magistrate of any part of His Majesty's dominions.

(d) For the purposes of Part II of the said Act of 1881, and of this Article in relation thereto, China, Corea, Wei-hai-Wei, and Hong Kong shall be deemed to be one group of British possessions.

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PART IV.—*Civil Matters.*

89. Subject to the provisions of this Order, the civil jurisdiction of every Court acting under this Order shall, as far as circumstances admit, be exercised on the principles of, and in conformity with, English law for the time being in force.

*Procedure.*

90.—(1) Every civil proceeding in the Court shall be taken by action, and not otherwise, and shall be designated an action.

(2) For the purposes of any statutory enactment or other provisions applicable under this Order to any civil proceeding in the Court, an action under this Order shall comprise and be equivalent to a suit, cause, or petition, or to any civil proceeding, howsoever required by any such enactment or provision to be instituted or carried on.

91. Every action shall commence by a summons issued from the Court, on the application of the plaintiff, and served on the defendant (in this Order referred to as an original summons); but notwithstanding this provision, proceedings may be taken in and applications may be made to the Court in particular classes of cases, in such manner as may be prescribed by Rules of Court, or where such manner is not so prescribed, in such manner as like proceedings and applications are taken and made in England.

92.—(1) Subject to the provisions of this Order, every action

in the Supreme Court which involves the amount or value of 150*l.* or upwards, shall, on the demand of either party in writing, filed in the Court seven days before the day appointed for the hearing, be heard with a jury.

(2) Any other suit may, on the suggestion of any party, at any stage be heard with a jury, if the Court thinks fit.

(3) Any suit may be heard with a jury if the Court, of its own motion, at any stage, thinks fit.

93.—(1) The Supreme Court may, if it thinks fit, hear any action with assessors.

(2) A Provincial Court shall (subject to the provisions of this Order) hear with assessors every action which involves the amount or value of 150*l.* or upwards.

(3) In all other cases a Provincial Court may, as it thinks fit, hear the action either with or without assessors.

94.—(1) After the issue of a summons by any Court, the decision of that Court may be given upon a special case submitted to the Court by the parties.

(2) Any decision of a Provincial Court may be given subject to a case to be stated by, or under the direction of, that Court for the opinion or direction of the Supreme Court.

95. Subject to the provisions of this Order and the Rules of Court, the costs of and incident to all proceedings in the Court shall be in the discretion of the Court, provided that if the action is tried with a jury the costs shall follow the event, unless the Court shall for good cause (to be entered in the Minutes) otherwise order.

#### *Arbitration.*

96.—(1) Any agreement in writing between any British subjects or between British subjects and foreigners to submit present or future differences to arbitration, whether an Arbitrator is named therein or not, may be filed in the Court by any party thereto, and, unless a contrary intention is expressed therein, shall be irrevocable, and shall have the same effect as an order of the Court.

(2) Every such agreement is in this Order referred to as a submission.

(3) If any action is commenced in respect of any matter covered by a submission, the Court, on the application of any party to the action, may by order stay the action.

97.—(1) In any action—

(a) If all parties consent, or

(b) If the matters in dispute consist wholly or partly of matters of account, or require for their determination prolonged examination of documents or any scientific or local examination ;

the Court may at any time refer the whole action, or any question or issue arising therein, for inquiry and report, to the Registrar or any special Referee.

(2) The report of the Registrar or special Referee may be adopted wholly or partially by the Court, and if so adopted may be enforced as a judgment of the Court.

(3) The Court may also in any case, with the consent of both parties to an action, or of any parties between whom any questions in the action arise (such consent being signified by a submission), refer the action or the portions referred to in the submission to arbitration, in such manner and upon such terms as it shall think reasonable or just.

(4) In all cases of reference to a Registrar, special Referee, or Arbitrator, under any order of the Court, the Registrar, special Referee, or Arbitrator shall be deemed to be an officer of the Court, and shall have such powers and authority, and shall conduct the reference or arbitration in such manner as may be prescribed by any Rules of Court, and subject thereto as the Court may direct.

98. Subject to Rules of Court, the Court shall have authority to enforce any submission, or any award made thereunder, and to control and regulate the proceedings before and after the award, in such manner and on such terms as the Court thinks fit.

#### *Bankruptcy.*

99. Each Court shall, as far as circumstances admit, have, for and within its own district, with respect to the following classes of persons being either resident in China or Corea, or carrying on business there, namely, resident British subjects and their debtors and creditors, being British subjects, or foreigners submitting to the jurisdiction of the Court, all such jurisdiction in bankruptcy as for the time being belongs to the High Court and the County Courts in England.

#### *Admiralty.*

100.\*—(1) The Supreme Court shall have Admiralty jurisdiction for and within the limits of this Order, and over vessels and persons coming within the same.

(2) The following enactments of the Colonial Courts of Admiralty Act, 1890,† that is to say, Section 2, Sub-sections (2) to (4); Sections 5 and 6; Section 16, Sub-section (3); shall apply to the Supreme Court as if that Court were a Colonial Court of Admiralty, and as if China and Corea were a British possession; and for the purpose of this application the expressions “judgment” and “appeal” shall in the enactments so applied have the same respective meanings as are assigned thereto in Section 15 of the said Act.

#### *Matrimonial.*

101. The Supreme Court shall, as far as circumstances admit, have for and within China and Corea, with respect to British subjects,

\* See Order in Council of 7th August, 1894 (No. 136).

† 53 and 54 Vict., cap. 27.

all such jurisdiction in matrimonial causes except the jurisdiction relative to dissolution or nullity or jactitation of marriage, as for the time being belongs to the High Court in England.

*Lunacy.*

102.—(1) The Supreme Court shall, as far as circumstances admit, have for and within China and Corea, in relation to British subjects, all such jurisdiction relative to the custody and management of the persons and estates of lunatics, as for the time being belongs to the Lord Chancellor or other Judge or Judges in England intrusted by virtue of His Majesty's Sign Manual with the care and commitment of the custody of the persons and estates of lunatics, and also such jurisdiction as may be exercised in England by a judicial authority under the provisions of the Lunacy Act, 1890, or any Act amending the same.

(2) A Provincial Court shall, as far as circumstances permit, have, in relation to British subjects, such jurisdiction relative to the custody and management of the persons and estates of lunatics as for the time being may be prescribed by Rules of Court, and until such Rules are made, and so far as such Rules do not apply, as may be exercised in England by a judicial authority and by the Masters in Lunacy under the provisions of the Lunacy Act, 1890, or any Act amending the same.

(3) In any such case the Provincial Court may, of its own motion, or on the application of any person interested, take or authorize such steps as to the Court may seem necessary or expedient for the immediate protection of the person and property of any person appearing to the Court to be a lunatic, and may, from time to time, revoke, or vary, or supplement any order or proceeding taken in the matter.

(4) Subject to the provisions of this Article and to any Rules of Court, a Provincial Court shall not proceed in any such matter except under and according to the directions of the Supreme Court.

(5) Sections 5 to 7 of the Lunatics Removal (India) Act, 1851 (14 and 15 Vict., cap. 81), shall apply to China and Corea, with the substitution "the Supreme Court" for "the Supreme Court of Judicature at any of the Presidencies of India:" Provided that the jurisdiction of the Supreme Court under those sections may be exercised in and for Corea by the Provincial Court at Seoul.

*Probate and Administration.*

103. All real or immovable property situate in China or Corea, and belonging at the time of his death to any British subject dying after the commencement of this Order, shall be deemed to be personal estate, and the devolution thereof, in case of intestacy, shall be regulated according to the law of England for the time being relating to personal estate.

104.—(1) The Supreme Court shall, as far as circumstances admit, have, for and within China and Corea, with respect to the wills and the property in China and Corea of deceased British subjects, all such jurisdiction as for the time being belongs to the High Court in England.

(2) A Provincial Court shall have power to grant probate or letters of administration where there is no contention respecting the right to the grant.

(3) Probate or administration granted by a Court under this Order shall have effect over all the property of the deceased within China or Corea, and shall effectually discharge persons dealing with an executor or administrator thereunder, notwithstanding that any defect afterwards appears in the grant.

105. Section 51 of the Conveyancing (Scotland) Act, 1874, and any enactment for the time being in force amending or substituted for the same, are hereby extended to China and Corea with the adaptation following, namely :—

The Supreme Court is hereby substituted for a Court of Probate in a Colony.

106.—(1) Where a Court of Probate in the United Kingdom or in any British possession to which the Colonial Probates Act, 1892, for the time being extends, has granted probate or letters of administration or confirmation in respect of the estate of a deceased person, the probate letters or confirmation so granted may, on being produced to, and a copy thereof deposited with, the Supreme Court, be sealed with the seal of that Court, and thereupon shall be of the like force and effect and have the same operation as if granted by that Court.

(2) Provided that the Supreme Court shall, before sealing any probate letters or confirmation under this section, be satisfied either that all probate or estate duty has been paid in respect of so much of the estate, situate in China or Corea, as is liable to such duty, or that security has been given in a sum sufficient to cover the property (if any) in China or Corea, and may require such evidence, if any, as it thinks fit as to the domicile of the deceased person.

(3) The Supreme Court may, also, if it thinks fit, on the application of any creditor, require before sealing that adequate security be given for the payment of debts due from the estate to creditors residing in China or Corea.

(4) For the purposes of this Article, a duplicate of any probate letters of administration, or confirmation sealed with the seal of the Court granting the same, or a copy thereof certified as correct by or under the authority of the Court granting the same, shall have the same effect as the original.

107.—(1) Where a British subject dies in China or Corea, or elsewhere, intestate, then, until administration is granted, his property in China or Corea shall be vested in the Judge of the Supreme Court.

(2) The Court within whose jurisdiction any property of the deceased is situate shall, where the circumstances of the case appear to the Court so to require, forthwith on his death, or as soon after as may be, take possession of his property within the particular jurisdiction, or put any such property under the seal of the Court (in either case if the nature of the property or other circumstances so require, making an inventory), and so keep it until it can be dealt with according to law.

108.\* If any person named executor in the will of the deceased takes possession of and administers or otherwise deals with any part of the property of the deceased, and does not obtain probate within one month after the death, or after the termination of any suit or dispute respecting probate or administration, he shall be guilty of an offence and shall be liable to a fine not exceeding 50*l*.

109. If any person, other than the person named executor or an administrator or an officer of the Court, takes possession of and administers or otherwise deals with any part of the property of a deceased British subject, whether resident or not, he shall be deemed guilty of a contempt of Court, and shall be liable to a fine not exceeding 50*l*.

110. Where a person appointed executor in a will survives the testator, but either dies without having taken probate, or, having been called on by the Court to take probate, does not appear, his right in respect of the executorship wholly ceases; and without further renunciation the representation to the testator and the administration of his property shall go and may be committed as if that person had not been appointed executor.

111.—(1) Where a British subject dies in China or Corea, any other such subject having in his possession, or under his control, any paper or writing of the deceased, being, or purporting to be testamentary, shall forthwith bring the original to the Court within whose particular jurisdiction the death happens, and deposit it there.

If any person fails to do so for fourteen days after having knowledge of the death of the deceased, he shall be guilty of an offence and liable to a fine not exceeding 50*l*.

(2) Where it is proved that any paper of the deceased, being or purporting to be testamentary, is in the possession or under the control of a British subject, the Court may, whether a suit or proceeding respecting probate or administration is pending or not, order him to produce the paper and bring it into Court.

(3) Where it appears to the Court that there are reasonable grounds for believing that any person has knowledge of any paper being, or purporting to be, testamentary (although it is not shown that the paper is in his possession or under his control) the Court may, whether a suit or proceeding for probate or administration is

\* Repealed. See Order in Council of 11th February, 1907 (No. 169), Articles 8 and 16.

pending or not, order that he be examined respecting it before the Court or elsewhere, and that he do attend for that purpose, and after examination order that he do produce the paper and deposit it in Court.

112. Where it appears to the Court that the value of the property or estate of a deceased person does not exceed 50*l*.\* the Court may, without any probate, or letters of administration, or other formal proceeding, pay thereout any debts or charges, and pay, remit, or deliver any surplus to such persons, subject to such conditions (if any) as the Court thinks proper, and shall not be liable to any action, suit, or proceedings in respect of anything done under this Article : Provided that a Provincial Court shall not exercise the powers of this Article except with the approval of the Supreme Court. Every proceeding of the Court under this Article shall be recorded in the Minutes.

#### *Appeals and Re-hearings.*

113.—(1) Where an action in a Provincial Court involves the amount or value of 25*l*. or upwards, any party aggrieved by any decision of that Court, with or without assessors, in the action shall have the right to appeal to the Supreme Court against the same, on such terms and conditions as may be prescribed by Rules of Court.

(2) In any other case, the Provincial Court may, if it seems just and expedient, give leave to appeal on like terms.

(3) In any case the Supreme Court may give leave to appeal on such terms as seem just.

114.†—(1) The Supreme Court may, if it thinks fit, on the application of any party, or of its own motion, order a re-hearing of an action, or of an appeal, or of any arguments on a verdict or on any other question of law.

(2) The provisions of this Order respecting a hearing with a jury or assessors shall extend to a re-hearing of an action.

(3) The Supreme Court may, if it thinks fit, direct any re-hearing to be before the full Court.

(4) If the party applying for a re-hearing has by any order been ordered to pay money or do any other thing, the Court may direct either that the order be carried into execution, or that the execution thereof be suspended pending the re-hearing, as it thinks fit.

(5) If the Court directs the order to be carried into execution, the party in whose favour it is given shall before the execution give security to the satisfaction of the Court for the performance of such order as shall be made on the re-hearing.

(6) If the Court directs the execution of the order to be suspended, the party against whom it is given shall, before an order for suspen-

\* 100*l*. substituted by Article 9 of the Order in Council of 11th February, 1907 (No. 169).

† Repealed. See Order in Council of 11th February, 1907 (No. 169), Articles 11 and 16.



sion is given, give security to the satisfaction of the Judge for performance of such order as shall be made on the re-hearing.

(7) An application for a re-hearing shall be made within the prescribed time.

*Appeals to His Majesty in Council.*

115.—(1) Where a final judgment or order of the Supreme Court made in a civil action involves the amount or value of 500*l.* or upwards, any party aggrieved thereby may, within the prescribed time, or, if no time is prescribed, within fifteen days after the same is made or given, apply by motion to the Supreme Court for leave to appeal to His Majesty the King in Council.

(2) The applicant shall give security to the satisfaction of the Court to an amount not exceeding 500*l.* for prosecution of the appeal, and for such costs in the event of the dismissal of the appeal for want of prosecution as the Supreme Court may award, and for payment of all such costs as may be awarded to any respondent by His Majesty in Council, or by the Lords of the Judicial Committee of His Majesty's Privy Council.

(3) He shall also pay into the Supreme Court a sum estimated by that Court to be the amount of the expense of the making up and transmission to England of the transcript of the record.

(4) If security and payment are so given and made within two months from the filing of the motion-paper for leave to appeal, then, and not otherwise, the Supreme Court shall give leave to appeal, and the appellant shall be at liberty to prefer and prosecute his appeal to His Majesty in Council according to the rules for the time being in force respecting appeals to His Majesty in Council from His Colonies, or such other rules as His Majesty in Council from time to time thinks fit to make concerning appeals from the Supreme Court.

(5) In any case the Supreme Court, if it considers it just or expedient to do so, may give leave to appeal on the terms and in the manner aforesaid.

116.—(1) Where leave to appeal to His Majesty in Council is applied for by a person ordered to pay money or do any other act, the Supreme Court shall direct either that the order appealed from be carried into execution, or that the execution thereof be suspended pending the appeal, as the Court thinks just.

(2) If the Court directs the order to be carried into execution, the person in whose favour it is made shall, before the execution of it, give security to the satisfaction of the Court for performance of such order as His Majesty in Council may think fit to make.

(3) If the Court directs the execution of the order to be suspended, the party against whom it is given shall, before an order for suspension is made, give security to the satisfaction of the Court for performance of such order as His Majesty in Council may think fit to make.

117. This Order shall not affect the right of His Majesty in Council at any time, on the humble petition of a person aggrieved by a decision of the Supreme Court, to admit his appeal thereon on such terms and in such manner as His Majesty in Council may think fit, and to deal with the decision appealed from in such manner as may be just.

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PART V.—*Procedure, Criminal and Civil.*

118.—(1) In every case, civil or criminal, Minutes of the proceedings shall be drawn up, and shall be signed by the Judge before whom the proceedings are taken, and shall, where the trial is held with assessors, be open for their inspection and for their signature if concurred in by them.

(2) These Minutes, with the depositions of witnesses, and the notes of evidence taken at the hearing or trial by the Judge, shall be preserved in the public office of the Court.

119. The Judge of the Supreme Court may make Rules of Court—

(a) For regulating the pleading, practice, and procedure in the Courts established under this Order with respect to all matters within the jurisdiction of the respective Courts ;

(b) For regulating the means by which particular facts may be proved in the said Courts ;

(c) For prescribing any forms to be used ;

(d) For prescribing or regulating the duties of the officers of the said Courts ;

(e) For prescribing scales of costs and regulating any matters in connection therewith ;

(f) For prescribing and enforcing the fees to be taken in respect of any proceedings under this Order, not exceeding, as regards any matters provided for by the Consular Salaries and Fees Act, 1891, fees fixed and allowed from time to time by any Order in Council made under that Act ;

(g) For prescribing the allowances to be made in criminal cases to complainants, witnesses, jurors, assessors, interpreters, medical practitioners, and other persons employed in the administration of justice, and the conditions upon which an order may be made by the Court for such allowances ;

(h) For taking and transmitting depositions of witnesses for use at trials in a British possession or in the United Kingdom ;

(i) For regulating the mode in which legal practitioners are to be admitted to practise as such, and for withdrawing or suspending the right to practise on grounds of misconduct, subject to a right of appeal to His Majesty in Council.

Where under any Act of Parliament which is applicable to China and Corea Rules may or are required to be made in England

by the Lord Chancellor or any Judicial authority, the powers of this Article shall include a power to make such Rules for the purposes of that Act so far as applicable.

Rules framed under this Article shall not have effect until approved by the Secretary of State, and, so far as they relate to fees and costs, sanctioned by the Treasury ; but, in case of urgency declared in any such Rules with the approval of His Majesty's Minister, the same shall have effect unless and until they are disapproved by the Secretary of State, and notification of such disapproval is recorded and published by the Judge of the Supreme Court.

Until such Rules have been made, or in relation to matters to which they do not extend, a Court may adopt and use any procedure or forms heretofore in use in the Consular Courts in China or Corea, or any Regulations or Rules made thereunder and in force immediately before the commencement of this Order, with any modifications or adaptations which may be necessary.

120.—(1) The Court may, in any case, if it thinks fit, on account of the poverty of a party, or for any other reason, to be recorded in the Minutes, dispense with or remit the payment of any fee in whole or in part.

(2) Payment of fees payable under any Rules to be made in pursuance of this Order, and of costs, and of charges and expenses of witnesses, prosecutions, punishments, and deportations, and of other charges and expenses, and of fines respectively payable under this Order, may be enforced under order of the Court by seizure and sale of goods, and, in default of sufficient goods, by imprisonment as a civil prisoner for a term not exceeding one month, but such imprisonment shall not operate as a satisfaction or extinguishment of the liability.

(3) Any bill of sale or mortgage, or transfer of property made with a view of avoiding seizure or sale of goods or ship under any provision of this Order, shall not be effectual to defeat the provisions of this Order.

121.—(1) Every person doing an act or taking a proceeding in the Court as plaintiff in a civil case, or as making a criminal charge against another person, or otherwise, shall do so in his own name and not otherwise, and either—

(a) By himself ; or

(b) By a legal practitioner ; or

(c) By his attorney or agent thereunto lawfully authorized in writing and approved by the Court.

(2) Where the act is done or proceeding taken by an attorney or by an agent (other than a legal practitioner), the power of attorney or instrument authorizing the agent, or an authenticated copy thereof, shall be first filed in the Court.

(3) Where the authority has reference only to the particular proceeding, the original document shall be filed.

(4) Where the authority is general, or has reference to other matters in which the attorney or agent is empowered to act, an authenticated copy of the document may be filed.

(5) Any person doing any act or taking any proceeding in the Court in the name or on behalf of another person, not being lawfully authorized thereunto, and knowing himself not to be so authorized, is guilty of a contempt of Court.

122.—(1) In any case, criminal or civil, and at any stage thereof, the Court, either of its own motion or on the application of any party, may summon a British subject to attend to give evidence, or to produce documents, or to be examined; but a Provincial Court shall have power so to summon British subjects in its own district only.

(2) If the person summoned, having reasonable notice of the time and place at which he is required to attend, and (in civil cases) his reasonable expenses having been paid or tendered, fails to attend and be sworn, and give evidence, or produce documents or submit to examination accordingly, and does not excuse his failure to the satisfaction of the Court, he shall be guilty of an offence against this Order.

(3) Persons of Chinese, Korean, or other Asiatic origin or nationality shall be deemed to be persons allowed by law to affirm or declare instead of swearing.

(4) Any person appearing before the Court to give evidence in any case, civil or criminal, may be examined or give evidence in the form or with the ceremony that he declares to be binding on his conscience.

(5) If in any case, civil or criminal, a British subject wilfully gives false evidence in the Court, or on a reference, he shall be deemed guilty of wilful and corrupt perjury.

123. Whenever under this Order any person is to be taken for trial or imprisonment or by way of deportation or for any other purpose, to the Supreme Court or elsewhere in China or Corea, or to Hong Kong, England, or elsewhere, the Court or other authority by this Order authorized to cause him to be so taken, may for that purpose (if necessary) cause him to be embarked on board one of His Majesty's ships of war, or if there is no such ship available, then on board any British or other fit ship, at any port or place whether within or beyond the particular jurisdiction or district of that Court or authority, and in order to such embarkment may (if necessary) cause him to be taken, in custody or otherwise, by land or by water, from any place to the port or place of embarkment.

The writ, order, or warrant of the Court, by virtue whereof any person is to be so taken, shall be sufficient authority to every constable, officer, or other person acting thereunder, and to the commander or master of any ship of war, or other ship (whether the constable, officer, or other person, or the ship or the commander or

master thereof, is named therein or not), to receive, detain, take, and deliver up such person, according to the writ, order, or warrant.

Where the writ, order, or warrant is executed under the immediate direction of the Court or authority issuing it, the writ, order, or warrant shall be delivered to the constable, officer, or other person acting thereunder, and a duplicate thereof shall be delivered to the commander or master of any ship in which the person to whom the writ, order, or warrant relates is embarked.

Where the writ, order, or warrant issues from the Supreme Court, and is executed by a Provincial Court, a copy thereof certified under the seal of the Court executing the same shall be delivered to the constable, officer, or other person acting thereunder, and to the commander or master of any ship in which the person taken is embarked; and any such copy shall be for all purposes conclusive evidence of the order of which it purports to be a copy.

124. Subject to the other provisions of this Order, all expenses of removal of prisoners and others from or to any place in China or Corea, or from or to Hong Kong, and the expenses of deportation and of the sending of any person to England, shall be defrayed in such manner as the Secretary of State from time to time directs.

Any master of a British ship when required shall be bound to take such persons for a reasonable remuneration, to be determined by a Judge of the Supreme Court, and in case of non-compliance shall be liable to a penalty not exceeding 50%.

125. The following Acts, namely :—

The Foreign Tribunals Evidence Act, 1856 ;

The Evidence by Commission Act, 1859 ;

The Evidence by Commission Act, 1885 ; or so much thereof as is for the time being in force, and any enactment for the time being in force amending or substituted for the same, are hereby extended to China and Corea, with the adaptation following, namely :—

In the said Acts the Supreme Court is hereby substituted for a Supreme Court in a Colony.

126. The following Acts, namely :—

The British Law Ascertainment Act, 1859 ;

The Foreign Law Ascertainment Act, 1861 ; or so much thereof as is for the time being in force, and any enactment for the time being in force amending or substituted for the same, are hereby extended to China and Corea, with the adaptation following, namely :—

In the said Acts the Supreme Court is hereby substituted for a Superior Court in a Colony.

127. The Public Authorities Protection Act, 1893, shall extend and apply to China and Corea, as if China and Corea were therein mentioned in place of the United Kingdom, and as if this Order and any other order relating to China or Corea, and any Regulations

or Rules made under any such Order were therein referred to, in addition to any Act of Parliament.

128. The Supreme Court may, if it thinks fit, order that a Commission do issue for examination of witnesses at any place out of China and Corea on oath, by interrogatories or otherwise, and may, by order, give such directions touching the time, place, and manner of the examination, or anything connected therewith, as to the Court appear reasonable and just.

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PART VI.—*Mortgages and Bills of Sale.*

*Mortgages.*

129. A deed or other instrument of mortgage, legal or equitable, of lands or houses in China or Corea, executed by a British subject, may be registered at any time after its execution at the Consulate of the Consular district wherein the property mortgaged is situate.

130. Registration is made as follows :—The original and a copy of the deed or other instrument of mortgage, and an affidavit verifying the execution and place of execution thereof, and verifying the copy, are brought into the Consulate ; and the copy and affidavit are left there.

131. If a deed or other instrument of mortgage is not registered at the Consulate aforesaid within the respective time following (namely) :—

(1) Within fourteen days after its execution, where it is executed in the Consular district wherein the property mortgaged is situate ;

(2) Within two months after its execution, where it is executed in China or Corea, elsewhere than in that Consular district, or in Wei-hai-Wei or Hong Kong ;

(3) Within six months after its execution, where it is executed elsewhere than in China, Corea, Wei-hai-Wei or Hong Kong ; then, and in every such case, the mortgage debt secured by the deed or other instrument and the interest thereon shall not have priority over judgment or simple contract debts contracted before the registration of that deed or other instrument.

132. Registered deeds or other instruments of mortgage, legal or equitable, of the same lands or houses have, as among themselves, priority in order of registration.

133. His Majesty's Minister may, with the approval of the Secretary of State, make Rules for prescribing and regulating the making and keeping of indexes, and of a general index, to the register of mortgages, and searches in those indexes, and other particulars connected with the making, keeping, and using of those registers and indexes, and for authorizing and regulating the un-registering of any deed or other instrument of mortgage, or the registering of any release or satisfaction in respect thereof.

*Bills of Sale.*

134. The provisions of this Order relating to bills of sale—

(1) Apply only to such bills of sale executed by British subjects as are intended to affect chattels in China or Corea ;

(2) Do not apply to bills of sale given by sheriffs or others under or in execution of process authorizing seizure of chattels.

135.—(1) Every bill of sale must conform with the following rules (namely) :—

(a) It must state truly the name, description, and address of the grantor.

(b) It must state truly the consideration for which it is granted.

(c) It must have annexed thereto or written thereunder an inventory of the chattels intended to be comprised therein.

(d) Any defeasance, condition, or declaration of trust affecting the bill not contained in the body of the bill must be written on the same paper as the bill.

(e) The execution of the bill must be attested by a credible witness, with his address and description.

(2) Otherwise, the bill is void in China and in Corea to the extent following, but not further (that is to say) :—

(a) In the case of failure to conform with the rule respecting an inventory, as far as regards chattels omitted from the inventory ; and

(b) In any other case, wholly.

(3) The inventory, and any defeasance, condition, or declaration as aforesaid, respectively, is for all purposes deemed part of the bill.

136. A bill of sale conforming, or appearing to conform, with the foregoing rules, may be registered, if it is intended to affect chattels in China or Corea, at the Supreme Court or at the Consulate of the Consular district wherein the chattels are, within the respective time following, and not afterwards (namely) :—

(1) Within fourteen days after its execution, where it is executed in the Consular district wherein the chattels are ;

(2) Within two months after its execution, where it is executed in China or in Corea elsewhere than in that Consular district, or in Wei-hai-Wei, or Hong Kong ;

(3) Within six months after its execution, where it is executed elsewhere than in China, Corea, Wei-hai-Wei, or Hong Kong.

137. Registration is made as follows : The original and a copy of the bill of sale, and an affidavit verifying the execution, and the time and place of execution, and the attestation thereof, and verifying the copy, are brought into the proper office of the Court or the Consulate ; and the copy and affidavit are left there.

138. If a bill of sale is not registered at a place and within the time by this Order appointed and allowed for registration thereof, it is, from and after the expiration of that time, void in China or in Corea, according as that place is in China or in Corea, to the extent following, but not further (that is to say) :—

(1) As against trustees or assignees of the estate of the grantor, in or under bankruptcy, liquidation, or assignment for benefit of creditors ; and

(2) As against all sheriffs and others seizing chattels under process of any Court, and any person on whose behalf the seizure is made ; but only

(3) As regards the property in, or right to, the possession of such chattels comprised in the bill as, at or after the filing of the petition for bankruptcy or liquidation, or the execution of the assignment, or the seizure, are in the grantor's possession, or apparent possession.

139. Registered bills of sale affecting the same chattels have as among themselves priority in order of registration.

140. Chattels comprised in a registered bill of sale are not in the possession, order, or disposition of the grantor within the law of bankruptcy.

141. If in any case there is an unregistered bill of sale, and within or on the expiration of the time by this Order allowed for registration thereof, a subsequent bill of sale is granted affecting the same or some of the same chattels, for the same or part of the same debt, then the subsequent bill is, to the extent to which it comprises the same chattels and is for the same debt, absolutely void, unless the Court is satisfied that the subsequent bill is granted in good faith for the purpose of correcting some material error in the prior bill, and not for the purpose of unlawfully evading the operation of this Order.

142. The registration of a bill of sale must be renewed once at least every five years.

143. Renewal of registration is made as follows :—An affidavit stating the date of and parties to the bill of sale, and the date of the original registration, and of the last renewal, and that the bill is still a subsisting security, is brought in to the proper office of the Court or the Consulate of original registration, and is left there.

144. If the registration of a bill of sale is not so renewed in any period of five years, then on and from the expiration of that period the bill is deemed to be unregistered.

145. The provisions of this Order relating to renewal apply to bills of sale registered under the Orders in Council repealed by this Order.

146. A transfer or assignment of a registered bill of sale need not be registered ; and renewal of registration is not necessary by reason only of such a transfer or assignment.

147. Where the time for registration or renewal of registration of a bill of sale expires on a Sunday, or other day on which the office for registration is closed, the registration or renewal is valid if made on the first subsequent day on which the office is open.

148. If in any case the Court is satisfied that failure to register or to renew the registration of a bill of sale in due time, or any



omission or misstatement connected with registration or renewal, was accidental or inadvertent, the Court may, if it thinks fit, order the failure, omission, or misstatement to be rectified in such manner and on such terms, if any, respecting security, notice by advertisement or otherwise, or any other matter, as the Court thinks fit.

149. The provisions of this Order apply to a bill of sale executed before the commencement of this Order.

150. The power conferred on the Judge of the Supreme Court by this Order of framing Rules from time to time, extends to the framing of Rules for prescribing and regulating the making and keeping of indexes, and of a general index, to the registers of bills of sale, and searches in those indexes, and other particulars connected with the making, keeping, and using of those registers and indexes, and for authorizing and regulating the unregistering of any bill of sale, or the registering of any release or satisfaction in respect thereof.

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#### PART VII.—*Foreign Subjects and Tribunals.*

151.—(1)\* Where a foreigner desires to institute or take in the Court an action against a British subject, or a British subject desires to institute or take in the Court an action against a foreigner, the Court shall entertain the same, and shall hear and determine it, according to the ordinary course of the Court.

(2) Provided that the foreigner, if so required by the Court, first obtains and files in the Court the consent in writing of the competent authority on behalf of his own nation to his submitting, and does submit, to the jurisdiction of the Court, and, if required by the Court, gives security to the satisfaction of the Court, and to such reasonable amount as the Court thinks fit, by deposit or otherwise, to pay fees, damages, costs, and expenses, and abide by and perform such decision as shall be given by the Court or on appeal.

(3) A cross-action or counter-claim shall not be brought in the Court against a plaintiff, being a foreigner.

(4) Where a foreigner obtains in the Court an order against a defendant being a British subject, and in another suit that defendant is plaintiff and the foreigner is defendant, the Court may, if it thinks fit, on the application of the British subject, stay the enforcement of the order pending that other suit, and may set off any amount ordered to be paid by one party in one suit against any amount ordered to be paid by the other party in the other suit.

(5) Where a plaintiff, being a foreigner, obtains an order in the Court against two or more defendants being British subjects jointly, and in another action one of them is plaintiff and the foreigner is defendant, the Court may, if it thinks fit, on the applica-

\* Repealed. See Order in Council of 11th February, 1907 (No. 169), Articles 12 and 16.

tion of the British subject, stay the enforcement of the order pending that other action, and may set off any amount ordered to be paid by one party in one action against any amount ordered to be paid by the other party in the other action, without prejudice to the right of the British subject to require contribution from his co-defendants under the joint liability.

(6) Where a foreigner is co-plaintiff in a suit with a British subject who is within the particular jurisdiction, it shall not be necessary for the foreigner to give security for costs, unless the Court so directs, but the co-plaintiff British subject shall be responsible for all fees and costs.

152.—(1) Where it is proved that the attendance within the particular jurisdiction of a British subject to give evidence, or for any other purpose connected with the administration of justice, is required in a Court of China or Corea, or before a Chinese or Korean judicial officer, or in a Court or before a judicial officer of a State in amity with His Majesty, the Court may, if it thinks fit, in a case and in circumstances in which the Court would require his attendance before the Court, order that he do attend in such Court, or before such judicial officer, and for such purpose as aforesaid.

(2) A Provincial Court, however, cannot so order attendance at any place beyond its particular jurisdiction.

(3) If the person ordered to attend, having reasonable notice of the time and place at which he is required to attend, fails to attend accordingly, and does not excuse his failure to the satisfaction of the Court, he shall (independently of any other liability) be guilty of an offence against this Order.

153. When a British subject invokes or submits to the jurisdiction of a Chinese, Korean, or foreign Tribunal, and engages in writing to abide by the decision of that Tribunal, or to pay any fees or expenses ordered by such Tribunal to be paid by him, the Supreme Court or any Provincial Court may, on such evidence as it thinks fit to require, enforce payment of such fees and expenses in the same manner as if they were fees payable in a proceeding by such person in that Court, and shall pay over or account for the same when levied to the proper Chinese, Korean, or foreign authority, as the Court may direct.

154.—(1) The Supreme Court may, upon the application of any British subject or foreigner who has obtained a judgment or order for the recovery or payment of money in a foreign Court in China or Corea against a person subject to the jurisdiction of that Court, and upon a certificate by the proper officer of the foreign Court that such judgment has been recovered or order made (specifying the amount), and that it is still unsatisfied, and that a British subject is alleged to be indebted to such debtor and is within the jurisdiction, order that all debts owing or accruing from such British subject (hereinafter called the garnishee) to such debtor shall be attached to answer the judgment or order; and by the same or a subsequent

order, may order the garnishee to pay his debt or so much as may be sufficient to satisfy the judgment or order of the foreign Court.

(2) The proceedings for the summoning of the garnishee, for the ascertainment of his liability, and for the payment of money ordered by the Court to be paid, and all matters for giving effect to this Article, may be regulated by Rules of Court.

(3) An order shall not be made under this Article unless the Court is satisfied that the foreign Court is authorized to exercise similar powers in the case of a debt due from a person subject to the jurisdiction of that Court to a British subject against whom a judgment has been obtained in a Court established under this Order.

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#### PART VIII.—*Regulations.*

155.—(1) His Majesty's Ministers in China and Corea shall have power collectively with respect to China and Corea or any parts thereof, or severally with respect to China or Corea, or any parts thereof as the case may be, to make Regulations (to be called King's Regulations) for the following purposes, that is to say :—

(a) For the peace, order, and good government of British subjects in relation to matters not provided for by this Order, and to matters intended by this Order to be prescribed by Regulation.

(b) For securing the observance of any Treaty for the time being in force relating to any place or of any native or local law or custom, whether relating to trade, commerce, revenue, or any other matter.

(c) For regulating or preventing the importation or exportation in British ships or by British subjects of arms or munitions of war, or any parts or ingredients thereof, and for giving effect to any Treaty relating to the importation or exportation of the same.

(d) For requiring Returns to be made of the nature, quantity, and value of articles exported from or imported into his district, or any part thereof, by or on account of any British subject who is subject to this Order, or in any British ship, and for prescribing the times and manner at or in which, and the persons by whom, such Returns are to be made.

(2) Any Regulations made under this Article may provide for forfeiture of any goods, receptacles, or things in relation to which, or to the contents of which, any breach is committed of such Regulations, or of any Treaty or any native or local law or custom, the observance of which is provided for by such Regulations.

(3)\* Any person committing a breach of any such Regulations shall, in addition to any forfeiture prescribed thereby, be liable, on conviction, to imprisonment, for a period not exceeding three months, or to a fine, or to both.

\* Repealed. See Order in Council of 11th February, 1907 (No. 169), Articles 13 and 16.

(4) Any fine imposed for a breach of Regulations shall not exceed 50l. : provided that where the breach is of any regulation relating to customs law, or to the importation or exportation of any goods, the fine may extend to a sum equivalent to treble the value of the goods in relation to which the breach is committed.

156. His Majesty's Ministers in China and Corea respectively, in the exercise of the powers aforesaid, may, if they think fit, join with the Ministers of any foreign Powers in amity with His Majesty in making or adopting Regulations for the municipal government of any foreign concession or settlement in China or Corea as the case may be ; and as regards British subjects, such joint regulations shall be as valid and binding as if they related to British subjects only.

157.\*—(a) Regulations made or adopted under this Order shall not have effect as respects British subjects unless and until they are approved by His Majesty the King, that approval being signified through the Secretary of State—save that, in case of urgency declared in any such Regulations, the same shall take effect before that approval, and shall continue to have effect unless and until they are disapproved by His Majesty the King, and until notification of that disapproval has been received and published by His Majesty's Minister in China or Corea as the case may be.

(b) Any Regulations when so approved, and published as provided by this Order, shall have effect as if contained in this Order.

158.—(1) All Regulations approved under this Order, whether imposing penalties or not, shall be printed, and a printed copy thereof shall be affixed and be at all times kept exhibited conspicuously in the public office of each Consulate in China and Corea.

(2) Printed copies of the Regulations shall be kept on sale at such reasonable price as His Majesty's Minister from time to time directs.

(3) A printed copy of any Regulations purporting to be made under this Order, and to be certified under the hands of His Majesty's Minister in China or Corea, or under the hand and Consular seal of one of His Majesty's Consular officers in China and Corea, shall be conclusive evidence of the due making of such Regulations.

159. The respective powers aforesaid extend to the making of Regulations for the governance, visitation, care, and superintendence of prisons in China or in Corea, for the removal of prisoners from one prison to another, and for the infliction of corporal or other punishment on prisoners committing offences against the rules or discipline of a prison ; but the provisions of this Order respecting penalties, and respecting the printing, affixing, exhibiting, and sale of Regulations, and the mode of trial of charges of offences against Regulations, do not apply to Regulations respecting prisons and offences of prisoners.

\* Repealed. See Order in Council of 11th February, 1907 (No. 169), Articles 14 and 16.

PART IX.—*Miscellaneous.*

160. Nothing in this Order shall deprive the Court of the right to observe, and to enforce the observance of, or shall deprive any person of the benefit of, any reasonable custom existing in China or Corea, unless this Order contains some express and specific provision incompatible with the observance thereof.

161. Nothing in this Order shall prevent any Consular officer in China or Corea from doing anything which His Majesty's Consuls in the dominions of any other State in amity with His Majesty are, for the time being, by law, usage, or sufferance, entitled or enabled to do.

162.—(1) Every British subject resident shall, in January in every year, register himself at the Consulate of the Consular district within which he is resident : provided that—

(a) The registration of a man shall comprise the registration of his wife, if living with him ; and

(b) The registration of the head of a family shall be deemed to comprise the registration of all females and minors being his relatives, in whatever degree, living under the same roof with him at the time of his registration.

(2) The Consular officer may, without fee, register any British subjects being minors living in the houses of foreigners.

(3) Every British subject arriving at a place in China or Corea where there is a Consular office, unless borne on the muster-roll of a British ship there arriving, shall, on the expiration of one month after arrival, be deemed, for the purposes of this Article, to be resident, and shall register himself accordingly.

(4) A person shall not be required to register himself oftener than once in a year, reckoned from the 1st January.

(5) The Consular officer shall yearly give to each person registered by him a certificate of registration, signed by him and sealed with his Consular seal.

(6) The name of a wife, if her registration is comprised in her husband's, shall, unless in any case the Consular officer sees good reason to the contrary, be indorsed on the husband's certificate.

(7) The names and descriptions of females and minors whose registration is comprised in that of the head of the family shall, unless in any case the Consular officer sees good reason to the contrary, be indorsed on the certificate of the head of the family.

(8) It shall be lawful by King's Regulations to require that every person shall, on every registration of himself, pay such fee\* as may therein be prescribed, not exceeding \$2 in China and 2 yen in Corea ; and such Regulations may provide that any such fee may either be uniform for all persons, or may vary according to the position and circumstances of different classes.

\* The annual registration fee of \$2 was approved by the Secretary of State for Foreign Affairs in 1893. See the Earl of Rosebery's despatch to Mr. O'Connor of 12th September, 1893. "Hertslet's Commercial Treaties," Vol. 19. Page 160. See also Regulations of 27th December, 1907 (No. 176A), page 1120.

(9) The mode of registration may be prescribed by King's Regulations, but if no other mode is so prescribed, every person by this Order required to register himself or herself shall, unless excused by the Consular officer, attend personally for that purpose at the Consulate on each occasion of registration.

(10) If any person fails to comply with the provisions of this Order respecting registration, and does not excuse his failure to the satisfaction of the Consular officer, he or she shall be guilty of an offence against this Order, and any Court or authority may, if it thinks fit, decline to recognize him as a British subject.

163. Section 48 of the Conveyancing and Law of Property Act, 1881 (which relates to the deposit of instruments creating powers of attorney in the Central Office of the Supreme Court in England or Ireland), shall apply to China and Corea with these modifications, that is to say : the Office of the Supreme Court is substituted for the Central Office, and Rules of Court under this Order are substituted for General Rules.

164. All fees, fines, penalties, and other sums of money which, under the provisions of this Order or any Regulations or Rules of Court, are stated or imposed in terms of British currency, shall, if not paid in British gold, be paid in China in British or Mexican dollars at the rate of exchange fixed periodically by the Treasury ; in Corea, in Japanese currency at the rate of 10 yen to the pound sterling.

The said rates of exchange shall apply to the ascertainment of the value of any income for any purpose of qualification or of any limitation or security, in any case where this Order or any Rule or Regulation contains a reference to British currency.

165. Except as in this Order otherwise provided, all fees, dues, fines, and other receipts under this Order shall be carried to the public account, and shall be accounted for and paid as the Secretary of State, with the concurrence of the Treasury, directs.

166. Not later than the 31st March in each year, the Judge of the Supreme Court shall send to the Secretary of State a report on the operation of this Order up to the 31st December of the preceding year, showing for the then last twelve months the number and nature of the proceedings, criminal and civil, taken in the Court under this Order, and the result thereof, and the number and amount of fees received, and containing an abstract of the registration list, and such other information, and being in such form, as the Secretary of State from time to time directs.

167. Each Provincial Court shall at such time as may be fixed by Rules of Court furnish to the Supreme Court an annual Report of every case, civil and criminal, brought before it, in such form as the Supreme Court directs.

168.—(1) A printed copy of this Order shall be always kept exhibited in a conspicuous place in each Consular office and in each Court-house.

(2) Printed copies shall be sold at such reasonable price as the Supreme Court directs.

(3) Judicial notice shall be taken of this Order, and of the commencement thereof, and of the appointment of Consuls, and of the constitution and limits of the Courts and districts, and of Consular seals and signatures, and of any Rules made or in force under this Order, and no proof shall be required of any of such matters.

The provisions of the Evidence Act, 1851 (14 & 15 Vict., cap. 99), Sections 7 and 11, relating to the proof of judicial and other documents, shall extend and be applied for all purposes as if the Courts, districts, and places to which this Order applies were in a British Colony.

169.—(1) The Orders in Council mentioned in the Schedule to this Order are hereby repealed, but this repeal shall not—

(a) Affect the past operation of those Orders, or any of them, or any appointment made, or any right, title, obligation, or liability accrued, or the validity or invalidity of anything done or suffered under any of those Orders, before the making of this Order ;

(b) Interfere with the institution or prosecution of any proceeding or action, criminal or civil, in respect of any offence committed against, or forfeiture incurred or liability accrued under or in consequence of any provision of, any of those Orders, or any Regulation confirmed by any such Order or made thereunder ;

(c) Take away or abridge any protection or benefit given or to be enjoyed in relation thereto.

(2) Notwithstanding the repeal of the Orders aforesaid, all Rules and Regulations approved or confirmed by or under any Order so repealed, shall continue and be as if this Order had not been made ; but so that the same may be revoked, altered, or otherwise dealt with under this Order, as if they had been made under this Order.

(3) Criminal or civil proceedings begun under any of the Orders repealed by this Order, and pending at the time when this Order comes into operation, shall, from and after that time, be regulated by the provisions of this Order, as far as the nature and circumstances of each case admits.

(4) List of jurors and assessors in force at the passing of this Order shall continue in force until revised and settled under the provisions of this Order.

170.—(1) This Order shall take effect on such day not less than one month nor more than three months after it is first exhibited in the public office of the Supreme Court at Shanghai, as the Minister shall by public notification appoint.

(2) The day on which this Order so takes effect is in this Order referred to as the commencement of this Order.

(3) For the purposes of this Article the Judge of the Supreme Court shall forthwith, on the receipt by him from the Minister in

China of a certified printed copy of this Order, cause the same to be affixed and exhibited conspicuously in that office, together with the said notification.

(4) He shall also keep the same so affixed and exhibited until the commencement of this Order.

(5) A copy of the said notification shall, as soon as practicable, be published at each of the Provincial Consulates in such manner as the Supreme Court may direct.

(6) A certified printed copy of this Order shall also be affixed and exhibited in the public offices of the Provincial Court at Seoul, at the same time (or as near as circumstances admit) at which it is first exhibited at Shanghai.

(7) Proof shall not in any proceeding or matter be required that the provisions of this Article have been complied with, nor shall any act or proceeding be invalidated by any failure to comply with any of such provisions.

(8) Where this Order confers power to make any appointment, Rules, or Regulations, or to do any other thing for the purposes of this Order, that power may be exercised at any time after the passing of this Order, so, however, that any such appointment, Rules, or Regulations shall not take effect before the commencement of this Order.

171. This Order may be cited as "The China and Corea Order in Council, 1904."

#### SCHEDULE.

#### ORDERS REPEALED.

The China and Japan Order in Council, 1865.  
 The China and Japan Order in Council, 1877. 77-78. 632  
 The China and Japan Order in Council, 1878. 78-79. 1108  
 The China and Japan Order in Council, 1881. 80-81. 1108  
 The China, Japan, and Corea Order in Council, 1884. 81-82. 1108  
 The China, Japan, and Corea Order in Council, 1884 (Supplemental). 82-83. 1108  
 The China, Japan, and Corea Order in Council, 1886. 83-84. 1108  
 The China, Japan, and Corea Order in Council, 1886 (No. 2). 84-85. 1108  
 The China and Japan Order in Council, 1898.  
 The China, Japan, and Corea (Supreme Court) Order in Council, 1899. 94-95. 1108



**(No. 157.) RULES for His Britannic Majesty's Courts in China and Corea. 1905.**

[Framed under the Order of His Majesty in Council of the 24th day of October, 1904 (No. 156). Approved by His Majesty's Principal Secretary of State for Foreign Affairs.]

**ARRANGEMENT OF RULES OF COURT.**

**PART I.—General.**

Rule.		Page.
1	Interpretation .. .. .	899
2	Application .. .. .	899
3	Computation of time .. .. .	899
4	Sealing of documents .. .. .	900

*Evidence and Witnesses.*

5	Oaths and declarations .. .. .	900
6	Examination of witness .. .. .	900
7	Written evidence, when to be read .. .. .	900
8	Court may order a witness to give evidence without tender of expenses .. .. .	901
9	Deposition of person dangerously ill and unable to travel .. .. .	901
10	In case of death, &c., of witness, his deposition may be read at the trial .. .. .	901
11	Dying declaration .. .. .	901
12	Evidence in civil case of person dead or insane .. .. .	902
13	Statements of accused ; evidence against himself .. .. .	902
14	Evidence in civil cases before trial .. .. .	902
15	Mode of drawing affidavits .. .. .	902
16	Requirements of affidavits .. .. .	903
17	Alteration of affidavit .. .. .	904
18	Affidavits made out of the jurisdiction and by foreigners .. .. .	904
19	Rules for using affidavits .. .. .	904
20	Documentary evidence .. .. .	904
21	Objections to evidence .. .. .	904
22	Witnesses may be kept out of Court .. .. .	904
23	Validity in evidence of seals and signatures .. .. .	904
24	Notes of evidence .. .. .	905

*Cases reported or transferred to Supreme Court.*

25	Documents to be transmitted on report or transfer of case .. .. .	905
----	---	-----

*Juries and Assessors.]*

26	Jury lists .. .. .	905
27	Number of jury .. .. .	905
28	Number of jurors to be summoned .. .. .	905
29	Juries in civil actions .. .. .	905
30	Assessors .. .. .	906

Rule.	<i>Legal Practitioners.</i>	Page.
31	Admission to practise .. .. .	906
<i>PART II.—Criminal Proceedings.</i>		
<i>Enforcing Appearance.</i>		
32	Complaint .. .. .	907
33	Issue of Process .. .. .	907
34	Summons .. .. .	907
35	Service of summons .. .. .	908
36	Rules for issue of warrant .. .. .	908
37	Warrant of arrest .. .. .	908
38	Non-appearance of accused or complainant at the hearing .. .. .	909
39	Compelling appearance of witness .. .. .	909
40	Search warrants .. .. .	910
<i>Preliminary Examination.</i>		
41	Presence of accused person .. .. .	911
42	Preliminary examination not in open Court .. .. .	911
43	Depositions to be taken .. .. .	911
44	Discharge or committal on conclusion of evidence .. .. .	911
45	Statement of the accused .. .. .	911
46	Depositions of witnesses for the defence .. .. .	912
47	Committal of the accused .. .. .	912
48	Prosecutor and witnesses bound over to prosecute, &c. .. .. .	912
49	Forwarding of recognizances, depositions, &c. .. .. .	912
50	Accused entitled to copy of the depositions .. .. .	912
51	Subsequent evidence .. .. .	913
52	Accused to be sent to Court of Trial .. .. .	913
<i>Trial.</i>		
53	Court of Trial an open Court .. .. .	913
54	Charge to be framed .. .. .	913
55	Procedure at trial .. .. .	913
56	Fines and orders for payment of money .. .. .	914
57	Conviction where prescribed punishment is imprisonment without option of fine .. .. .	915
58	Costs upon dismissal of the information. How levied .. .. .	915
59	Imprisonment for a second offence, from what time to date .. .. .	915
60	On payment of the penalty, &c., the distress not to be levied, or the defendant, if in prison, to be discharged therefrom .. .. .	915
61	Provisions of Article 63 of the Order are to apply to cases under Article 83 .. .. .	915
62	Conviction for trivial offences .. .. .	915
<i>Provisions applicable to both Preliminary Examination and Trial.</i>		
63	Conduct of prosecution and defence .. .. .	916
64	Minutes to be kept by Court .. .. .	916
65	Disposal of accused on adjournment or remand .. .. .	916
66	Forfeited recognizances .. .. .	916

## [British Jurisdiction.]

Rule.	<i>Appeal and Reserved Case (Order, Article 85).</i>	Page.
67	Applications under Article 85 of the Order .. ..	917
68	Documents to be forwarded to Registrar of the Supreme Court, who shall give notice of hearing ..	917
69	Warrant of distress, or commitment. Costs .. ..	917

PART III.—*Civil Procedure.**General.*

70	Sittings for hearing of actions .. ..	917
71	Modes of taking evidence .. ..	917
72	Applications .. ..	917
73	As to amendments, adjournments, errors, &c. ..	917
74	Orders of the Court .. ..	918

*Entry of Action.*

75	Entry of action in Action Book .. ..	918
76	Infant suing .. ..	918
77	Married women suing .. ..	918
78	Report of action or difficult points of law .. ..	918

*Parties.*

79	Plaintiffs and defendants .. ..	919
80	Persons having same interest .. ..	919
81	Non-joinder or mis-joinder of parties .. ..	919
82	Service on new defendant .. ..	919
83	Infants, married women, and lunatics .. ..	919
84	Guardian for infant defendant .. ..	919
85	Next friend .. ..	920
86	Effect of consent of next friend, &c. .. ..	920
87	Class of persons interested .. ..	920
88	Administration action against representative ..	920
89	Service of judgment or order on persons interested ..	920
90	Third party procedure .. ..	920
91	Actions by and against firms .. ..	921
92	Paupers .. ..	921

*Joinder of Causes of Action.*

93	Several causes of action may be joined .. ..	922
94	Claims by or against separate persons .. ..	922
95	Separate trials may be ordered .. ..	922

*Writ of Summons and Procedure.*

96	Form of summons .. ..	922
97	Indorsement of claim .. ..	922
98	Capacity of plaintiff and defendant to be stated ..	922
99	Plaintiff out of jurisdiction .. ..	922
100	Special indorsement .. ..	923
101	Summary judgment on specially indorsed writ ..	923
102	In cases of account .. ..	923
103	Where assignee sues .. ..	923
104	Where more than one cause of action .. ..	923
105	Duration of summons .. ..	923
106	Dismissal for non-prosecution .. ..	924

## [British Jurisdiction.]

Rule.	Service.	Page.
107	When returnable .. .. .	924
108	Mode of service .. .. .	924
109	Service on representatives and others .. .. .	925
110	When service prevented .. .. .	925
111	Substituted service .. .. .	925
112	Where service has not been personal .. .. .	926
113	Service in pursuance of Statute .. .. .	926
114	Where defendant knows of summons less than five clear days before return day .. .. .	926
115	Service of summonses generally .. .. .	926
116	Renewal of summons .. .. .	926

*Special Defences.*

117	Where plaintiff sues on behalf of others .. .. .	926
118	Where defendant desires to defend on behalf of others .. .. .	926
119	Notice of special defence .. .. .	927

*Pleadings and Issues.*

120	Pleadings .. .. .	928
121	Particulars in certain cases .. .. .	928
122	Order for pleadings or particulars .. .. .	928
123	Settlement of issues .. .. .	928

*Interlocutory and Interim Orders and Proceedings.*

124	Mode of application for interlocutory and interim order .. .. .	928
125	Where specific property other than land is sought to be recovered .. .. .	929
126	Draft order to be settled by Court .. .. .	929
127	Orders under Rule 124, sections 5, 6, and 7 .. .. .	929
128	Orders under Rule 124, section 7 .. .. .	929

*Discontinuance and Disclaimer.*

129	Discontinuance of action .. .. .	930
130	Disclaimer, admission, and other statements by defen- dant. .. .. .	930

*Admissions.*

131	Admission of truth of plaintiff's statement .. .. .	930
132	Notice to admit documents .. .. .	930
133	Notice to admit facts .. .. .	931
134	Judgment on admissions .. .. .	931
135	Notice to produce documents .. .. .	931

*Payment into Court.*

136	Payment into Court before judgment; how made .. .. .	931
137	Paying money into Court and searches .. .. .	932

## [British Jurisdiction.]

*Discovery and Inspection.*

Rule.		Page.
138	Interrogatories .. .. .	932
139	Answer to interrogatories .. .. .	932
140	Discovery of documents .. .. .	933
141	Disobedience to order .. .. .	933
142	Single answers, or portions of answers, may be used .. .. .	933

*Witnesses.*

143	Summonses to witnesses .. .. .	933
144	Evidence to be taken <i>vivâ voce</i> , except where otherwise provided .. .. .	934
145	Where documents not produced, order for production may be made .. .. .	934
146	Documents produced from proper custody to be read .. .. .	934
147	Notice of desire to use affidavit .. .. .	934
148	Evidence by deposition or <i>de bene esse</i> .. .. .	934
149	Affidavits: evidence of persons using them .. .. .	935

*Change of Parties.*

150	Notice to be given of change of party .. .. .	935
151	Abatement .. .. .	935
152	Power to add parties owing to change or transmission of interest .. .. .	935
153	Execution by and against persons not parties .. .. .	935

*Trial.*

154	When defendant does not appear .. .. .	936
155	When plaintiff does not appear .. .. .	936
156	Appointment of guardian <i>ad litem</i> for infant defendant .. .. .	936
157	Action pending in another Court for same cause .. .. .	936
158	General jurisdiction of Court on trial of action .. .. .	937
159	Absent parties may be added at the hearing .. .. .	937
160	Separate judgments against more than one defendant .. .. .	937
161	Judgment on counter-claim may be given for balance .. .. .	937

*Amendments.*

162	Amendment .. .. .	937
163	Neglect to amend within time .. .. .	937
164	Amended documents to be marked .. .. .	937
165	Time for delivery .. .. .	937

*Judgments and Orders.*

166	Formal orders .. .. .	937
167	Entry of judgment .. .. .	938
168	Service of order for payment of money or of adjournment .. .. .	938
169	Consents .. .. .	938
170	Orders for the payment of money .. .. .	938
171	Injunction .. .. .	939
172	Where an order directs a deed to be prepared .. .. .	939

## [British Jurisdiction.]

*Judgments and Orders—continued.*

Rule.		Page.
173	Sale of Personal property .. .. .	939
174	Urgent orders .. .. .	939
175	Orders to hold to bail .. .. .	939
176	Orders other than for payment of money .. .. .	940
177	Removal of property .. .. .	940
178	Compensation in case order improperly obtained .. .. .	940
179	Seamen's wages .. .. .	941
180	Accounts, how to be taken .. .. .	941
181	The Registrar to appoint time and place for inquiries and taking accounts .. .. .	941
182	Books of account to be taken as <i>prima facie</i> evidence .. .. .	941
183	Registrar's certificate .. .. .	941
184	Further directions .. .. .	942

*Enforcement of Judgments and Orders.*

185	Warrant of sequestration .. .. .	942
186	In case of default execution may issue .. .. .	942
187	Indorsement on warrant .. .. .	942
188	Date and duration of warrant .. .. .	942

*Extension of Judgment.*

189	Extension of judgment .. .. .	943
-----	-------------------------------	-----

*Summons to Judgment Debtor.*

190	Judgment summons .. .. .	943
191	Examination of judgment debtor .. .. .	944
192	Committal for non-payment .. .. .	944
193	Amendment of order .. .. .	944
194	Bankrupt not to be committed .. .. .	944
195	Commitment of debtor .. .. .	944
196	Costs on default of appearance of judgment creditor .. .. .	945
197	Prison expenses of debtor .. .. .	945
198	Effect of imprisonment of debtor .. .. .	945
199	Discharge of debtor .. .. .	945
200	Costs of enforcing a payment .. .. .	945
201	No proceedings to be taken on judgment after six years without leave .. .. .	945
202	Orders within local jurisdiction .. .. .	945

*Interpleader.*

203	Interpleader summons .. .. .	946
204	Interpleader in execution proceedings .. .. .	946
205	Particulars and grounds of claim .. .. .	946
206	Claim for damages .. .. .	947
207	Payment into Court of damages claimed .. .. .	947
208	Marshal's costs where decision against claimant .. .. .	947
209	Service of interpleader summons .. .. .	947
210	Where assignor disputes an assignment .. .. .	947
211	Defendant in an action by assignee may pay money into Court .. .. .	947

## [British Jurisdiction.]

*Arbitration.*

Rule.		Page.
212	Arbitrators and umpires .. .. .	948
213	Award .. .. .	948
214	Questions of law .. .. .	949
215	Costs .. .. .	949
216	Confirmation of award .. .. .	949
217	Matter may be remitted for reconsideration .. .. .	949
218	Irregularity .. .. .	949

*Attachment of Debts.*

219	Order for examination of defendant as to debts due to him .. .. .	949
220	Examination of the defendant as to debts owing to him .. .. .	950
221	Proceedings against garnishee .. .. .	950
222	Service of garnishee summons .. .. .	950
223	No costs where garnishee pays .. .. .	950
224	Order on garnishee summons .. .. .	950

*Appeal to Supreme Court.*

225	Applications for leave to appeal .. .. .	950
226	Notice of appeal .. .. .	951
227	Security for costs .. .. .	951
228	Time for appeal .. .. .	951
229	Execution pending appeal .. .. .	951
230	Appeal motion .. .. .	951
231	Cross-appeal .. .. .	951
232	Record of appeal .. .. .	952
233	Exclusive powers of Supreme Court after record transmitted .. .. .	952
234	Appointment of day for hearing appeal .. .. .	952
235	Personal appearance .. .. .	952
236	New evidence .. .. .	952
237	General powers of Supreme Court on appeal .. .. .	952

*Re-hearing in Supreme Court.*

238	Time for application for re-hearing .. .. .	953
-----	---	-----

*Security.*

239	Security by bond .. .. .	953
240	Deposit in lieu of bond .. .. .	953
241	Security for costs by foreign plaintiff .. .. .	954

*Costs.*

242	Taxation of costs .. .. .	954
243	Costs of Witnesses .. .. .	954
244	Appropriation of moneys paid into Court .. .. .	954
245	Costs of warrant against goods .. .. .	954
246	No costs of judgment summons unless order made .. .. .	955
247	Costs of warrant of commitment .. .. .	955
248	Possession fee .. .. .	955
249	Appraisement .. .. .	955

*Practice.*

Rule.		Page.
250	Change of legal practitioner .. .. .	955
251	Copies of documents .. .. .	955
252	Folios .. .. .	955
253	Service on legal practitioner deemed service on party ..	955
254	Practice on service by legal practitioner.. ..	955
255	Notice of interlocutory proceedings may be served by party .. .. .	955
256	No service of order of adjournment .. .. .	956
257	Postponement of trial .. .. .	956
258	Filing of documents .. .. .	956
259	Issue of documents .. .. .	956
260	Computation of period of time .. .. .	956

*Detinue.*

261	Judgment in detinue .. .. .	956
262	Execution for delivery of property .. .. .	956

*Special Case.*

263	Special case .. .. .	956
264	Special case for the opinion of the Supreme Court ..	957
265	Reference of a point of law to the Supreme Court ..	957
266	Mode of drawing case .. .. .	957
267	When settlement of case not proceeded with, Court to settle it .. .. .	957
268	Transmission of special case for Supreme Court.. ..	957

*Bankruptcy Proceedings.*

269	Commencement of proceedings .. .. .	957
270	Appointment and duties of Receiver .. .. .	958
271	Appointment of Special Manager.. .. .	958
272	Appointment and duties of trustee .. .. .	958
273	Duties as to debtor's conduct and estate.. .. .	958
274	Modification of provisions of Bankruptcy Acts.. ..	958

*Probate and Administration.*

275	Probate .. .. .	959
276	Administration .. .. .	959
277	Administration with will annexed .. .. .	959
278	Power of revocation to be reserved .. .. .	959
279	Limitations .. .. .	959
280	Petition for probate or administration .. .. .	959
281	If no appearance to citation, grant may issue .. ..	959
282	Appearance to citation .. .. .	959
283	Notice to executors to come in and prove .. .. .	959
284	Reference to Supreme Court .. .. .	959
285	Administration bond .. .. .	960
286	Time for passing accounts .. .. .	960
287	Commission to executors and administrators .. ..	960
288	Interest to be charged to negligent executors and administrators .. .. .	960



## [British Jurisdiction.]

*Probate and Administration—continued.*

Rule.		Page.
289	Application for probate, &c., after three years .. ..	960
290	Evidence to be required by Court .. ..	960
291	When grant not to issue from Provincial Court.. ..	960
292	Revocation or alteration of grant by Provincial Court..	961
293	Objections to grant of probate .. ..	961
294	Administration under direction of Court.. ..	961
295	Grant of administration to officer of Court .. ..	962
296	Original will and probate copy .. ..	963
297	Lists and copies of grants.. ..	963

*Wills.*

298	Wills and copies to be marked .. ..	963
299	Blind or illiterate testator.. ..	963
300	Interlineations, erasures, &c. .. ..	963
301	Collateral documents .. ..	964
302	Fair copies of wills.. ..	964
303	Deposit of wills .. ..	964

*Intestacy.*

304	Application by one of several equally entitled .. ..	964
-----	--	-----

*The Registrar.*

305	Registrar to keep books, &c. .. ..	964
306	Registrar to keep a special book for documents issuing from Supreme Court .. ..	965

*The Marshal.*

307	Service of process by Marshal .. ..	965
308	Marshal to keep books and make returns .. ..	965
309	Orders for payment of money .. ..	965
310	Execution of warrants .. ..	965
311	Sales and detention of goods .. ..	966
312	Rules to apply to service of documents, &c., issuing out of Supreme Court .. ..	966

PART IV.—*General.*

313	Fees .. ..	966
314	Forms .. ..	966
315	Where no provision made English procedure to be observed .. ..	966
316	Annual reports to Supreme Court .. ..	966
317	Scale of expenses of witnesses, &c. .. ..	967
318	Report of cases under Art. 47 (2) .. ..	967
319	Repeal .. ..	967
320	Short title .. ..	967

PART I.—*General.*

1. THE interpretations contained in Article 3 of the Principal Order shall apply to these Rules, with the following additions:—

“Clear days” shall mean that in all cases in which any particular number of days is prescribed for the doing of any act, or for any other purpose, the same shall be reckoned exclusively both of the first and the last days.

“Marshal” means any officer of the Court discharging for the time being the duties of that office.

“Matter” means every proceeding commenced otherwise than by writ of summons, and whether in an action or not.

“Official Seal” means a seal authorized to be used in the particular Court, or by the particular officer.

“Ordinary summons” means a summons which is not required by Statute to be served personally.

“Party” means party to any action or matter, or a person served with a notice of or in any action or matter, and shall include body politic or corporate.

“Principal Order” means the China and Corea Order in Council, 1904.

“Proper Officer” means such officer as may from time to time be directed by the Court to discharge any duty.

“Registrar” includes any officer discharging for the time being the duties of Registrar.

“Resident” means having a fixed place of abode in China or Corea.

“Return day” means the day appointed in any summons for the appearance of the defendant, or any other day fixed for the trial of any action or matter.

“Statute” includes Imperial Act and Order in Council applicable to China or Corea as the case may be.

“Trial” means any trial of the action, or the hearing of any matter before the Court.

Any references to “these Rules” shall include a reference to any Rules of Court made in addition to these, or in substitution for any of them.

2. The Rules in this Part, unless where otherwise expressly provided, apply to all proceedings, whether civil or criminal.

3. Where by the Principal Order or these Rules any limited time from or after any date or event is appointed or allowed for the doing of any act, or the taking of any proceeding, and the time is not limited by hours, the following Rules shall apply:—

(i.) The limited time does not include the day of the date or of the happening of the event, but commences at the beginning of the day next following that day;

(ii.) The act or proceeding must be done or taken at latest on the last day of the limited time;

(iii.) Where the limited time is less than 6 days, the following days shall not be reckoned as part of the time, namely, Sunday,

Good Friday, Monday and Tuesday in Easter week, Christmas Day, and the day next before and the day next after Christmas Day;

(iv.) Where the time expires on one of those days, the act or proceeding shall be considered as done or taken in due time if it is done or taken on the next day afterwards not being one of those days.

4.—(1.) Summonses, orders, and other documents issuing from the Supreme Court, shall be sealed with the seal of that Court.

(2.) Those issuing from a Provincial Court shall be sealed with the official seal of that Court or of the Consular officer by whom they are issued,

#### *Evidence and Witnesses.*

5.—(1.) All witnesses (except those objecting or incompetent to take an oath) shall be examined upon oath, which shall be administered by the Court in the following form:—

“The evidence you shall give touching this charge [*or this case or the matter in question, or as the case may be*] shall be the truth, the whole truth, and nothing but the truth.

“So help you God.”

(2.) If any witness shall object to take an oath, or shall be objected to as being incompetent to take an oath, the Court may administer a declaration in the following form:—

“I, A. B., solemnly promise and declare, &c.”

(3.) These forms may be varied in conformity with the religious belief of the witness into any form which he shall declare or admit to be binding on his conscience.

6.—(1.) Every witness is first examined-in-chief by the party calling him, during which examination no leading questions are admissible. If, however, the witness appears to be hostile to the party who has called him, he may, by leave of the Court, be asked leading questions as in cross-examination.

(2.) After the conclusion of the examination-in-chief, the other side has a right to cross-examine the witness. In cross-examination leading questions may be asked.

(3.) After the cross-examination, the party who called the witness has the right to re-examine him if any new fact arises out of the cross-examination, or in explanation of any part of his cross-examination, but the re-examination must be strictly confined to matters arising out of the cross-examination.

(4.) After the re-examination no further questions shall be asked of any witness, except by leave of and through the Court; but the Court is at liberty, at any stage of the proceedings, to put all such questions to any witness as may be necessary, in order to elicit all the facts of the case.

7. Written evidence, such as affidavits, depositions, and documents of any description may be read at any convenient time

before the conclusion of the case of the party by whom it is produced.

8. In civil cases, when a person summoned as a witness appears in Court, the Court may order him to give evidence, although his expenses may not have been tendered or paid to him; but the Court may, if it thinks fit, order the proper allowances to be paid to any witness by the party calling him.

9. When the Court is satisfied in a criminal case that some person dangerously ill and unlikely to recover is able and willing to give evidence, it shall cause reasonable notice in writing to be served upon the accused of its intention to take such person's statement, in order that such accused (who, if in prison, is to be brought to the place), or his legal practitioner, may have full opportunity of attending and cross-examining; and shall, at the appointed time and place, take down the statement on oath of such sick person, and sign it, and add thereto by way of heading, a statement of the reason for taking the deposition. Then, if at the trial of the offender or offence to which the statement relates, the deponent is proved to be dead, or that there is no reasonable probability of his ever being able to attend and give evidence, and that the defendant had notice and the opportunity of cross-examination, the statement may be read in evidence, either for or against the accused, without further proof.

10. When a witness has been examined and his deposition taken down and signed, as prescribed by these Rules, and it shall be proved upon the trial, by the oath of any credible witness, that such witness is dead, or out of the jurisdiction, or so ill as not to be able to travel, and if it also be proved that the deposition was taken in the presence of the accused, and that he or his legal practitioner had a full opportunity of cross-examining the witness, then if the deposition purport to be signed by the Court before which it was taken, it shall be lawful to read such deposition as evidence at the trial, without further proof, unless it shall be proved that the deposition was not in fact signed by the Court purporting to have signed the same.

11. In any case in which a person is dying, in consequence of injuries received from another, he may make a declaration orally or in writing to any officer of the Court, surgeon, minister of religion, or other competent person, who may subsequently prove the declaration, which may then, in case of the death of the declarant, be used as evidence in any trial arising out of the injuries inflicted on him.

In order to render this declaration admissible, three material points must be insisted on, viz.:—

1. The inquiry must relate to the cause of the death of the declarant;

2. The circumstances leading to the death must be the subject of the declaration; and

3. At the time of making the declaration, the declarant must be perfectly aware of his danger, and entertain no hope of recovery.

Such a declaration is not to be on oath.

12. In a civil case, where a person whose evidence would have been admissible is dead or insane, or for any reason appearing sufficient to the Court is not present to give evidence, the Court may, if it thinks fit, receive proof of any evidence given by him in any former judicial proceeding; provided that the subject-matter of the former proceeding was substantially the same as that of the pending proceeding, and that the parties to the pending proceeding were parties to the former proceeding or bound by it, and had an opportunity in it of cross-examining the person of whose evidence proof is so to be given.

13. In a criminal case, any statement made by the accused at a preliminary examination, in answer to the questions put to him by the Court, as prescribed by these Rules, may be given in evidence against him at the trial; but nothing in these Rules shall prevent the prosecutor from giving in evidence at the trial any admission or confession, or other statement of the accused made at any time, which would, by law, be admissible as evidence against him.

14.—(1.) In a civil case, where the circumstances of the case appear to the Court so to require, for reasons recorded in the Minutes, the Court may, when an action is pending, take the evidence of any witness at any time as preparatory to the hearing, and the evidence so taken may be used at the hearing, subject to just exceptions.

(2.) Any Court or Consular officer shall, on the request in writing of any Court before which an action is pending, so take evidence for purposes of the action.

(3.) The evidence shall be taken in like manner, as nearly as may be, as evidence at the hearing of an action is to be taken, and then the note of the evidence shall be read over to the witness and tendered to him for signature, and if he refuses to sign it the Court or officer shall add a note of his refusal, and the evidence may be used as if he had signed it.

(4.) Evidence may be taken in like manner on the application of any person, although no action is pending, where it is proved that the person applying has good reason to apprehend that a proceeding will be taken against him in the Court, and that some person within the particular jurisdiction at the time of application can give material evidence respecting the subject of the apprehended proceeding, but that he is about to leave the particular jurisdiction, or that from some other cause the person applying will lose the benefit of his evidence if it is not at once taken.

15.—(1.) All affidavits are to be expressed in the first person, and drawn up in numbered paragraphs, and shall be entitled in the action or matter in which they are sworn.

(2.) All affidavits, other than those for which forms are given in the Second Schedule, are to state the deponent's age (if he is not of full age), his occupation, quality, and place of residence, and

also what facts or circumstances deposed to are within the deponent's own knowledge, and what facts or circumstances deposed to are known to or believed by him, by reason of information derived from other sources than his own knowledge.

(3.) The costs of affidavits not in conformity with the last two preceding sections shall be disallowed on taxation, unless the Court shall otherwise direct.

16.—(1.) The officers before whom affidavits may be sworn are Judges of Courts, Consular officers, and the Registrar of the Supreme Court.

(2.) The affidavit when sworn shall be signed by the witness (or, if he cannot write, marked by him with his mark) in the presence of an officer authorized as aforesaid.

(3.) The jurat shall be written without interlineation, alteration, or erasure, immediately at the foot of the affidavit, and towards the left side of the paper, and shall be signed by the officer, and be sealed by him with the official seal.

(4.) The jurat shall state the date of the swearing, the place where it is sworn, and shall name or designate the officer before whom it is sworn.

(5.) Where the witness is blind or illiterate, the jurat shall state that fact, and that the affidavit was read over to him in the presence of the officer, and that the witness appeared to understand it.

(6.) Where the witness makes a mark instead of signing, the jurat shall state that fact, and that the mark was made in the presence of the officer.

(7.) Where two or more persons join in making an affidavit, their several names shall be written in the jurat, and it shall appear by the jurat that each of them has been sworn to the truth of the several matters stated by him in the affidavit.

(8.) An affidavit shall not be admitted if it is proved that it has been sworn before a person on whose behalf it is offered, or before his legal practitioner, or before a partner or clerk of his legal practitioner.

(9.) An affidavit may be used, notwithstanding any defect in form, if it is proved that it has been sworn before a person duly authorized, and that the form thereof and that of the attestation thereto are in accordance with the law and custom of the place where it has been sworn.

(10.) A defective or erroneous affidavit may be amended and re-sworn, by leave of the Court in which it is to be used.

(11.) The Court may, if it thinks fit, for reasons recorded in the Minutes, admit an affidavit in evidence, although it is shown that the party against whom the affidavit is offered in evidence had no opportunity of cross-examining the person making the affidavit.

(12.) No affidavit or other document which is blotted so as to obliterate any words, and which is illegibly written or so altered as to cause it to be illegible, nor any affidavit in which there is

any interlineation (unless the person before whom the same is sworn shall have duly initialled such interlineation), nor any affidavit in which there is a knife erasure (unless the person before whom such affidavit is sworn shall have re-written and initialled in the margin the words or figures appearing to be written on the erasure), nor any affidavit or other document which is so imperfect upon the face or by reason of having blanks thereon that it cannot easily be read or understood, shall be filed or used in any action or proceeding, unless the Court shall otherwise order.

17.—(1.) The officer before whom an affidavit is sworn shall not allow an affidavit, when sworn, to be altered in any manner without being re-sworn.

(2.) If the jurat has been added and signed, he shall add a new jurat on the affidavit being re-sworn; and in the new jurat he shall mention the alteration.

(3.) He may refuse to allow the affidavit to be re-sworn, and may require a fresh affidavit.

18. An affidavit sworn before a Consular officer of His Majesty authorized to take affidavits in any country, or before a Judge or other person in the United Kingdom or in a British possession authorized to take affidavits, or before a Mayor or other Magistrate in a foreign country authorized to administer an oath, or in the case of a foreigner in China or Corea before his own proper Consular authority, may be used in the Court, subject to the rules of evidence.

19.—(1.) Before any affidavit is used it shall be filed in the office of the Registrar, but the Court may make an order in an urgent case, upon the undertaking of the applicant to file any affidavit sworn before the making of the order, provided that the order be not issued until after the affidavit has been filed.

(2.) The original affidavit or an office copy shall alone be recognized for any purpose in the Court.

20. In a civil case—

(1.) Every document offered as evidence, and not objected to, shall be put in and read, or taken as read by consent.

(2.) Every document put in evidence shall be marked by the Court at the time, and shall be retained by the Court during the hearing and returned to the party who put it in, or from whose custody it came, immediately after the judgment, unless it is impounded by order of the Court.

21. All objections to the reception of evidence shall be made when the evidence is offered, and shall be argued and decided at the time, and the Court shall, unless it shall consider it to be frivolous, take a note of every objection and the decision thereon.

22. In every case the Court may order witnesses to be kept out of Court and out of hearing; this, however, does not apply to the parties in any case.

23. Every signature or seal affixed to any instrument purporting to be the signature of the Judge of any Court, or of

any Consular officer, or to be the seal of any of His Majesty's Courts in China or Corea, shall, without any proof thereof, be presumed to be genuine, and shall be taken as genuine until the contrary is proved.

24.—(1.) Notes of evidence should generally be taken by the Court in a narrative form, but any question and answer may be set down at length if it appear necessary to do so.

(2.) No person is entitled as of right, at any time or for any purpose, to inspect or to take a copy of the notes of evidence of the Court. But the Court may give permission for this to be done if it think fit.

*Cases Reported or Transferred to Supreme Court.*

25. Where a civil case is reported or transferred to the Supreme Court, the following documents, or certified copies thereof, are to be forwarded under cover to the Registrar of the Supreme Court:—

The Summons.

Minutes of Evidence (if any) taken by the Provincial Court.

Notes of any interlocutory proceedings, accompanied by a short statement under the hand of the Court of the reasons (if any) for which it is deemed necessary to report the case, and, if possible, a suggestion of the time when it may be most convenient for parties and witnesses to attend the Supreme Court.

*Juries and Assessors.*

26.—(1.) The jury list for each district shall be revised and settled in the month of January in each year, and when settled shall be affixed in some conspicuous place in the Court, and be there exhibited during not less than two months.

(2.) The list, as settled, shall be brought into use in every year on the 1st of February and shall be used as the jury list of the district for the twelve months then next ensuing.

(3.) The rate of gross income for a juror's qualification shall be 50*l.* per annum.

27.—In trials for capital offences before the Supreme Court at Shanghai the jury shall consist of twelve jurors; in all other cases, civil and criminal, five jurors.

28.—When there is to be a hearing with a jury, the Court shall summon such number of persons comprised in the jury list, not less than thirty if the trial is at Shanghai for a capital offence, nor less than twelve in any other case, as may seem requisite.

29.—(1.) The remuneration of each jurymen in a civil action shall ordinarily be at the rate of 10*s.* for each day, but the Court, if it thinks that owing to the importance of the case or the length of time occupied at each sitting a larger sum ought to be paid, may order a sum not exceeding 1*l.* a day to be paid to each jurymen.



(2.) In a civil action to be tried before the Supreme Court, a party demanding a jury shall, on filing the demand, deposit in Court for the first day's attendance of jurors such sum, not exceeding 5*l.*, as the Court may require, and in default thereof his demand shall have no effect.

(3.) If the Court of its own motion orders that an action be heard with a jury, the plaintiff shall make the deposit.

(4.) Where a trial with a jury is begun and adjourned, the party who has made the deposit shall, on each successive day of the trial, and before the trial is proceeded with, make a further deposit of 2*l.* 10*s.* or such larger sum, not exceeding 5*l.*, as the Court may require.

(5.) In default of any successive deposit being so made, the other party may make the deposit; but if neither party makes it, the trial may, if the Court thinks fit, be adjourned generally.

(6.) The costs of remuneration of jurors shall be costs in the cause.

30.—(1.) The Consular officer in each district shall, in the month of January in each year, make a list of the persons within his district qualified under the Principal Order to be Assessors, and shall be at liberty from time to time to add any name thereto, or to expunge any name therefrom.

(2.) When Assessors are required the Court shall, from its list of Assessors, select a sufficient number of competent persons, and shall give the selected persons notice in writing of their selection, and may, for cause appearing to be sufficient, excuse any person so selected, and select another person in his stead.

(3.) The names and addresses of the persons selected shall in civil cases be communicated to the parties three days, and in a criminal case to the accused one day, before the day fixed for the trial.

(4.) If either party or the accused object to an Assessor so selected by the Court, he shall forthwith signify his objection, with the grounds thereof, to the Court, and the Court, if it sustains the objection, shall select another duly qualified person to sit as Assessor in place of the person objected to.

(5.) If any selected person dies or becomes unable to act, the Court shall select another duly qualified person.

(6.) The remuneration of an Assessor for sitting in the Court shall be at the rate of 2*l.* a day in civil cases, and 1*l.* a day in criminal cases. Where the sitting in a civil case does not exceed one hour, the Court may reduce the remuneration for such sitting to 1*l.* In civil cases the remuneration shall be costs in the cause.

#### *Legal Practitioners.*

31.—(1.) A person desiring to practise as a legal practitioner within the jurisdiction of the Supreme Court shall make a written application to that Court, stating his qualifications. The Supreme Court may require proof of the qualifications to be submitted, and

may grant or refuse the application. The Supreme Court may at any time for good cause revoke any such grant.

(2.) A person admitted to practise in the Supreme Court may practise in any Provincial Court.

(3.) The Supreme Court may in its discretion in the case of any person who, at the coming into operation of these Rules, is enrolled as a practitioner in that Court, dispense with the application and proof of qualifications.

(4.) Foreign legal practitioners admitted to practise in a foreign Consular Court in China or Corea may be allowed to appear in any case before the Court, if the Court is satisfied that qualified British legal practitioners would be allowed in similar circumstances to appear before the foreign Court.

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## PART II.—*Criminal Proceedings.*

### *Enforcing Appearance.*

32.—(1.) A prosecution for an offence shall be commenced by a complaint made to the Court, or by the issue of process by the Court itself.

(2.) When a complaint is made, the Court shall at once examine the complainant on oath or not on oath as it thinks fit, and the substance of the examination shall be reduced to writing, and be signed by the complainant and also by the Court.

33.—(1.) The appearance of a person accused of an offence is enforced by summons or warrant of arrest issued by the Court.

(2.) The Court before issuing a summons may, and before issuing a warrant of arrest must, require the complaint to be made on oath.

(3.) If the Court sees reason to distrust the truth of a complaint, it may, for reasons recorded in the Minutes, postpone the issue of process, and make such inquiry by itself or any officer of the Court as seems fit for the purpose of ascertaining the truth or falsehood of the complaint.

(4.) After examining the complainant, and considering the result of such inquiry (if any), the Court may, if in its judgment there is no sufficient ground for a prosecution, dismiss the complaint, recording its reasons in the Minutes.

34.—(1.) A summons shall be under the hand and seal of the Court addressed to the accused; it shall shortly set out the nature of the offence complained of, and require the accused to appear at a certain time and place before the Court to answer the same, and to be dealt with according to law.

(2.) No objection shall be allowed to any summons for any defect in substance or form, or for any variance therein with the evidence adduced in support thereof, unless the Court considers that the accused has been deceived or misled thereby, in which case it may adjourn the hearing on any terms it shall think fit.

35.—(1.) Every summons, notice, or other like document shall, unless the Court shall otherwise direct, be served by an officer of the Court, who shall deliver a copy to the person to whom it is directed, at the same time showing the original, or, if the person is not conveniently to be found, shall leave a copy at his usual place of abode, or at his place of business, with some person apparently not less than 15 years of age, who undertakes to deliver it to the person to whom it is addressed.

(2.) When the person to whom the document is directed is on board any vessel, such document may be delivered to any person on board who is apparently in charge of the vessel.

(3.) When such person is in prison, the document may be delivered to the Governor, or any one seeming to be head officer.

(4.) When such person is in a hospital or public asylum, the document may be delivered to the gate-keeper or lodge-keeper.

(5.) When such person keeps his house or place of business closed in order to prevent service, it is sufficient to affix the document to the door.

(6.) When such person, or another with him, uses violence or threats to prevent service, the document may be left as near to him as practicable.

(7.) Service on a Company may be effected by delivering the document to a clerk or employé at the office of the Company.

(8.) The person who serves any document shall indorse on the original the time, date, and manner of service before returning it to the Registrar.

36. When there is a complaint on oath the Court may issue a warrant to arrest the accused, and to bring him before the Court—

(a.) in the first instance, without any previous summons :

(b.) at any time before or after the time mentioned in the summons for appearance :

(c.) if the accused does not appear according to the summons, and it appears to the satisfaction of the Court that the summons has been duly served, or that the accused is evading service.

37.—(1.) Every warrant of arrest must be under the hand of a Judge or the Registrar, and under the seal of the Court, and directed to the person or persons who are to execute the same. It shall state shortly the matter on which it is founded, and name or otherwise describe the person against whom it is issued.

(2.) It shall order the person to whom it is directed to arrest the accused and bring him before the Court to answer the complaint, and be dealt with according to law.

(3.) Every warrant shall remain in force until it is executed. A warrant of the Supreme Court may be executed at any place within the limits of the Principal Order. A warrant of a Provincial Court may be executed at any place within its jurisdiction, but in case of fresh pursuit may be executed at any place in another district; in cases other than that of fresh pursuit, the warrant must be indorsed by the Consular officer of the district in which

it is executed, and on arrest the accused must be brought before the Court for that district, and that Court shall, on being satisfied that the prisoner is the person named in the warrant, remand him to the issuing Court.

(4.) No objection shall be allowed to any warrant for any defect in substance or form, or for any variance therein with the evidence adduced in support of the charge, unless the Court considers that the accused has been deceived or misled thereby, in which case it may adjourn the hearing, and in the meantime commit the accused by warrant into such custody as it may think fit, or discharge him on his entering into a recognizance, with or without sureties, to appear at the time and place to which the hearing is adjourned.

(5.) In all cases where an accused, having been discharged on recognizances, does not appear as aforesaid, the Court may, in addition to issuing a fresh warrant, certify the non-appearance on the back of the recognizance.

(6.) A warrant may be issued and executed as well upon Sundays or holidays as upon any other day, and at night as well as by day.

38.—(1.) If at the trial for any offence punishable with fine, or where if convicted the accused may be ordered to pay money, or at any adjournment of such trial, the accused does not appear, the Court may either go on with the case in his absence (after being satisfied that the summons has been duly served), or may issue a warrant to compel his attendance in the manner above mentioned. But at the trial of every other offence and at every preliminary examination the accused must always be present.

(2.) If in like case the complainant, after having received notice of the hearing, does not appear, either in person or by a legal practitioner, and the accused does, the Court shall dismiss the case, unless for some reason it thinks fit to adjourn the hearing to another day upon such terms as it may think fit to impose; and may in either case, if it think proper, make an order against the complainant for the costs of the day and such reasonable expenses as the accused may have been put to. If the hearing is so adjourned, the Court may either let the accused go at large or remand him back to custody until the further day appointed for the hearing, or may discharge him on recognizances to appear on such day.

(3.) But if on the day appointed for the hearing both parties appear by themselves or by a legal practitioner, the Court shall proceed to hear and determine the case.

39.—(1.) Whenever it is made to appear to the Court that any one subject to the jurisdiction of the Court is likely to be able to give material evidence on either side, but will not voluntarily appear to be examined, the Court may issue a summons under its hand and seal requiring such person to appear at the hearing of the case for the purpose of giving evidence, or to bring with him and to produce for examination such accounts,

papers, or documents as he may have in his power. If the person so summoned omits, without a valid excuse, to appear at the appointed time and place, and it is proved to the satisfaction of the Court that the summons was served upon him personally or by leaving it with some person at his last or most usual place of abode, and that a reasonable sum was tendered him for his costs and expenses (if any), the Court may issue a warrant to bring such witness before the Court to give evidence.

(2.) When from any cause a summons cannot be served personally on a witness, a notice may be left with the summons, to the effect that a sum sufficient for the reasonable expenses of the witness will be paid to him on application at an address to be set out in the notice, and such notice shall have all the effect of a tender.

(3.) Or if the Court is satisfied on oath that a person able to give evidence on either side will not appear, or will not bring with him any accounts, papers, or documents, unless compelled to do so, it may issue a warrant in the first instance.

(4.) And if on the appearance of a witness, whether in obedience to a summons or on a warrant, such witness shall, without just excuse, refuse to be examined or to take an oath, or having taken the oath, to reply to such questions as may be put to him, or shall neglect or refuse to produce any accounts, documents, and papers as aforesaid, the Court may adjourn the proceedings for any period not exceeding seven days, and may in the meantime by warrant commit the witness to prison, unless he shall sooner consent to be examined and to answer, or to produce such accounts, papers, or documents as aforesaid; and if upon the adjourned hearing he shall still refuse, the Court may again adjourn and commit the witness for a like period, and so again from time to time until he consent, provided that such imprisonment shall not exceed one month in the whole.

(5.) But the Court may, notwithstanding, proceed with and dispose of the case, or send it for trial without the examination of the witness, if it has received sufficient evidence. But in such case, when the case is to be sent up to another Court, the name of such witness, with particulars of his default, shall accompany the depositions.

40.—(1.) When any credible witnesses shall prove on oath before the Court a reasonable cause to suspect that any person, subject to the provisions of the Principal Order, has in his possession or on his premises any property that has been stolen, or any property whatever on or with respect to which any offence, punishable either upon indictment or upon summary conviction, shall have been committed, or upon a representation by any Chinese, Corean, or foreign Tribunal, of competent jurisdiction in China or Corea, that a person accused of an offence of a non-political character is concealed on the premises of a person subject to the provisions of the Principal Order, the Court may grant a warrant to search for such property or person.

(2.) A search-warrant may be issued and executed as well on Sundays and holidays as on other days, and by night as well as by day.

(3.) The person to whom a search-warrant is addressed alone has the power to execute it, but may take with him as many persons as are necessary to assist him.

(4.) If the house or place is kept closed after the person executing the warrant has demanded admission and declared his authority and the object of his visit, he may break it open.

(5.) When the alleged offence is one within Article 70 (as to Smuggling) of the Principal Order, a search-warrant may be granted by the Court of its own motion, without a sworn information.

*Preliminary Examination.*

41. At every preliminary examination the accused person must be present.

42. A preliminary examination may be held in any convenient place, and such place shall not be deemed an open Court, and the Court may, at its discretion, for reasons to be recorded in the Minutes, order that no person shall be admitted or allowed to remain without permission, except the witnesses of the prosecutor and accused and their legal practitioners.

43. At a preliminary examination the Court shall take down in writing, and in the presence of the accused, the depositions on oath of those who know anything of the facts of the case, and the cross-examination of such witnesses by or on behalf of the accused, and the re-examination, and either at the completion of each deposition or at any time before committing the accused for trial, the depositions must be read over to the several deponents, who are to sign them. If after hearing them read they desire to add to or to vary their deposition in any way, they must do so before signing and in the presence of the accused, who, in the event of any material alteration being made, may cross-examine upon that particular point. The Court must initial every alteration, and sign and date each deposition on completion.

44. At the conclusion of the evidence of the witnesses for the prosecution, if the Court is of opinion that it is not sufficient to put the accused party on his trial for any indictable offence, it shall forthwith order the accused to be discharged as to the complaint then under inquiry; but if the Court is of opinion that there is sufficient evidence, it shall frame in writing a charge against the accused, which shall be read over to him.

45. After the charge is read to the accused the Court must address him to the following effect: "Having heard the evidence, do you wish to say anything in answer to the charge? You are not obliged to say anything unless you desire to do so, but whatever you say will be taken down in writing, and may be given in evidence against you upon your trial. You have nothing to hope from any promise of favour, and nothing to fear from any

threat that may have been held out to you to induce you to make any admission, but whatever you may say will be taken down, and may be used as evidence against you at your trial." And whatever the accused may say in reply must be written down and read to him, and afterwards signed by the Court and kept among the depositions. And the fact of the caution having been administered and the words used must always appear before the statement of the accused. If the accused declines to make any statement the fact of his doing so must be recorded in the same way.

46. After hearing the statement of the accused (if any), the Court shall inquire if he desires to call any witnesses, and if he does their depositions must be taken in the same way as prescribed for witnesses for the prosecution, and if the accused himself is called as a witness the provisions of the Criminal Evidence Act, 1898, shall be observed.

47. If the Court is of opinion on the evidence that the accused should be put upon his trial, the Court will proceed to commit the accused by warrant to prison to await his trial, or may admit him to bail in the manner described in the Principal Order.

48.—(1.) After the accused has been committed for trial the Court shall, if it has not been done at the conclusion of each deposition, bind by recognizance the complainant and every witness to appear at the Court at which the trial is to take place, to prosecute, or to prosecute and give evidence, or to give evidence, as the case may be, for the prosecution or defence; and after the recognizance has been duly acknowledged by the person entering into it, it must be signed by the Court, and a notice of it, also signed by the Court, must be given at the same time to the person bound by it.

(2.) If any witness or the prosecutor refuses to be bound over, the Court may by warrant commit him to prison until the trial, unless in the meantime he shall consent to be bound over, or unless in the meantime the Court shall decide not to commit the accused for trial.

49. The several recognizances so taken, together with the written information (if any), the depositions, the statement of the accused, and the recognizance of bail of the accused (if any), are to be at once forwarded to the Registrar or other proper officer of the Court of trial, and as soon as the day of trial is fixed that Court shall give notice thereof to the Court of examination; the latter Court will then take such steps as may be necessary to insure the attendance of all parties concerned.

50. A person who has been committed for trial shall be entitled to receive on application, and on prepayment at the rate of sixpence per folio, or, if the Court thinks fit, without payment, copies of the depositions on which he has been committed. The Court, at the time of committing him for trial, shall inform him of this provision.

51. When new evidence is obtained against an accused person after the completion of the depositions, the prosecutor should give notice to the accused or his solicitor of the names of the witnesses and the substance of their proof, but the Court by whom the preliminary examination was held has no power to administer an oath or take an examination after the accused has been committed.

52. On receiving notice of the day appointed for the trial, the Court shall do all that is necessary to insure the attendance of the prosecutor and his witnesses and the accused and his witnesses (when they have been bound over) at the Court of trial on that day. When the accused is in custody, he must be sent in custody to the Court of trial, and there handed over to the keeper of the prison (if any) or to the Consular officer, who will give a receipt for him.

*Trial.*

53. At every trial of a criminal offence, the Court shall be deemed an open Court, and shall be held in a room or place to which the public generally may have access so far as it will conveniently contain them.

54. The charge upon which the accused shall be tried may be amended at any time before the trial by leave or direction of the Court. After the commencement of a trial the charge shall not be altered except in manner provided by the Principal Order.

When the accused appears or is brought before the Court for trial, and no formal charge has already been framed, the Court shall frame in writing a charge against the accused.

55.—(1.) At the trial the charge is in the first instance to be read over to the accused, who is then to be asked whether he is guilty or not guilty.

(2.) If he pleads guilty the Court may proceed to sentence him or make an order against him.

(3.) If the accused pleads not guilty the Court shall proceed to hear the complainant and such witnesses as he may call and their cross-examination (if any) by the accused, and re-examination by the complainant, and such other evidence as he may adduce in support of the charge.

(4.) After the case for the prosecution is concluded, the accused is asked if he calls witnesses; if he does not, or only to character, the complainant may sum up, and the accused may reply on the whole case.

(5.) If the accused calls witnesses, he may open his case, call his witnesses, and then sum up, after which the complainant may reply.

(6.) If the accused himself is called as a witness, the provisions of the Criminal Evidence Act, 1898, shall be observed.

(7.) The Court will then, if sitting alone, consider and determine the whole matter, or if sitting with Assessors consult the Assessors, or if sitting with a jury sum up the case to the jury and take their verdict, and then proceed to sentence the accused or make an order against him, or dismiss the charge (as the case may be).



## [British Jurisdiction.]

(8.) When a charge is dismissed the Court shall, if desired by the accused, make out an order of dismissal and give the accused a certificate thereof, which without further proof shall be a bar to any subsequent proceedings in the same matter.

(9.) In the Supreme Court the prosecution shall be conducted by the Crown Advocate. No other legal practitioner shall take part therein without the consent of the Crown Advocate, and no prosecution shall be withdrawn or abandoned without his consent, given in open Court.

56.—(1.) In every case in which the Court is authorized to order the accused to pay a fine or other sum of money, it may either order it to be paid forthwith, or at such time as the Court may fix, whether by instalments or otherwise, and if by instalments the accused shall enter into such security, whether with or without sureties, for the payment of such instalments as the Court may think fit.

(2.) Where the Court imposes a fine or orders a sum of money to be paid, and the enactment under which the conviction or order is made provides no statutory mode of raising, levying, or enforcing the payment of such fine or sum, the Court may issue a warrant of distress under its hand and seal, for the purpose of levying the same.

(3.) But if it appears to the Court that the issuing of a warrant of distress would be ruinous to the accused and his family, or that the accused has no goods or chattels on which to levy, the Court may, instead of issuing the distress, commit the accused, with or without hard labour, for a term in accordance with the scale set out in this Rule, unless the amount be sooner paid.

(4.) When, at the return time of the warrant of distress, the officer charged with the execution of it returns that he could not find any or sufficient goods and chattels to satisfy the distress and costs, the Court may commit the accused to prison, with or without hard labour, for a term in accordance with the scale set out in this Rule unless the amount be sooner paid.

(5.) No warrant of distress may issue when the enactment under which the fine is imposed or order made on a conviction does not allow of the amount being levied by distress, but prescribes a sentence of imprisonment if the same is not paid. In that case, if the amount is not paid forthwith, or within such time as the Court may prescribe, the Court may issue a warrant of commitment for a term in accordance with the following scale, unless the money be sooner paid:—

For any Fine or Sum.					Imprisonment not to exceed—
Not exceeding 10s.....	....	....	....	....	Seven days
Exceeding 10s. and not exceeding £1	....	....	£1	....	Fourteen days
“ £1	“	“	£2	....	One month
“ £2	“	“	£5	....	Two months
“ £5	“	“	£20	....	Three months

57.—(1.) When the enactment under which a conviction it made does not prescribe any fine, but orders the accused to be imprisoned, with or without hard labour, or when an order is made directing the performance of any act other than the payment of money, and ordering the accused to be imprisoned in default of performance of such act, and the accused neglects or refuses to obey such order, the Court may issue a warrant of commitment for such time as is prescribed by the enactment under which the conviction or order is made.

(2.) If, in a conviction or order such as above described, a sum for costs is adjudged to be paid by the accused to the complainant the Court may issue a warrant of distress for the amount of such costs, and, in default of distress, may further commit the accused to prison for a term of one month, to commence at the termination of the former sentence, unless the amount due for costs, and all costs and expenses of the distress and of the commitment, and conveying the accused to prison, be sooner paid.

58. When any charge is dismissed with costs, the amount of costs may be levied by distress on the complainant's goods, and in default of distress or payment, the complainant may be committed to prison for a term of one month, unless the amount due for costs, together with all costs and charges of the distress, and of the commitment and conveying the complainant to prison (which charges are to be assessed by the Court, and stated in the warrant), be sooner paid.

59. If the Court adjudges any accused to be imprisoned, and the accused is at the time undergoing imprisonment on another conviction, the warrant of commitment for the second conviction shall be delivered to the keeper of the prison in which the accused is at the time confined, and the Court may, if it thinks fit, order in the warrant that the imprisonment under it shall begin at the expiration of the former term.

60. When a person against whom a warrant of distress has been issued tenders to the officer executing the warrant the sum named therein, together with the amount of the expenses up to the time of tender, to be named in the warrant, the officer shall cease to execute the same.

When any person is imprisoned for non-payment of any penalty or sum of money he may tender to the keeper of the prison the sum named in the warrant of commitment, together with the amount of all costs, charges, and expenses also mentioned therein, and the keeper shall receive and give a receipt for the same, and forthwith discharge the prisoner.

61. In every case in which a person shall be accused under Article 83 (as to Deportation) of the Principal Order, the provisions of Article 63 of the Principal Order as to payment of expenses, malicious charges, payment of expenses to parties, and Minutes, shall apply.

62. If, upon the hearing of any case, the Court think that, though the charge is proved, the offence was in the particular case

## [British Jurisdiction.]

of so trifling a nature that it is inexpedient to award any punishment, or any other than a nominal punishment:—

(1.) The Court, without proceeding to conviction, may dismiss the charge, and, if the Court think fit, may order the accused to pay such damages, not exceeding 40s., and such costs of the proceeding or either of them as the Court thinks reasonable; or

(2.) The Court, upon convicting the accused, may discharge him conditionally on his giving security, with or without sureties, to appear for sentence when called upon, or to be of good behaviour, and either without payment of damages or costs, or subject to the payment of such damages and costs, or either of them, as the Court may think reasonable.

*Provisions applicable to both Preliminary Examination and Trial.*

63. In all proceedings the complainant and accused respectively shall be at liberty to conduct their own cases and examine and cross-examine the witnesses, or to employ a legal practitioner to conduct their cases and examine and cross-examine the witnesses on their behalf.

Provided that where a legal practitioner is instructed to appear for the Crown the prosecution shall be conducted by him and not by any complainant.

Subject to the foregoing provision, the prosecution may be conducted by the Registrar or any other officer of the Court.

64. Careful Minutes are to be kept by the Court, in which are to be entered the issue of all summonses and warrants, the appearances thereupon, all adjournments, remands, recognizances, convictions, and orders, with notes of the evidence taken in each case, statements of objections, rejection of evidence, and all the matters material to the issues. All such entries shall be dated the day of the issue of any document or the occurrence of the proceeding to which they refer, and those relating to each particular case are to be kept together so as to form a history of the case.

65.—(1.) If from the absence of a witness or other reasonable cause it is necessary or advisable to postpone or adjourn the hearing of any charge, the Court may either admit the accused to bail, or remand him to prison by warrant for such time not exceeding such period as is provided for by Article 41 of the Principal Order as may be expedient.

(2.) In any case the Court may order the accused to be brought before it at any time before the expiration of the period for which he shall have been remanded.

66. In all cases in which recognizances, whether conditioned to appear, to keep the peace, or for any other purpose, are forfeited, the non-appearance or other default shall be certified by the Court on the back of the recognizance, which shall then be estreated and recovered by distress.

*Appeal and Reserved Case (Order, Article 85).*

67. Any application under Article 85 of the Principal Order by a person convicted must be given in writing to the Court within four days after the conviction. Such notice must set forth generally the grounds on which the applicant considers the conviction erroneous in point of law, and may contain an application that time be allowed for filing an argument in support of the application. When the person convicted declares his intention of appealing within the four days, but from any cause is unable to make out an application in writing, the application shall be prepared for him by an officer of the Court.

68. The case stated, together with all necessary documents, including any argument, shall be forwarded or delivered to the Registrar of the Supreme Court within fourteen days after the recognizances shall have been completed, and shall thereupon be set down for hearing; and the Registrar of the Supreme Court shall give notice of the day appointed for the hearing to the person convicted and other proper parties (if any), either directly or through the proper Provincial Court as the case may require.

69. Where, on a case stated, a conviction has been affirmed, the Court may issue a warrant of distress or commitment, as the case may be, as though no appeal had been brought, and if the Supreme Court orders any party to pay costs, the order shall state to whom, and within what time the costs are to be paid, and if such costs are not paid within the time so limited, the Court may enforce payment by warrant of distress.

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PART III.—*Civil Procedure.*

*General.*

70.—(1.) The sittings of the Court for the hearing of actions shall, where the amount of business so requires, be held on stated days.

(2.) The sittings shall ordinarily be public, but the Court may, for reasons recorded in the Minutes, hear any particular case in the presence only of the parties and their legal advisers and the officers of the Court.

71. The evidence on either side may, subject to the direction of the Court, be wholly or partly oral, or on affidavit, or by deposition.

72. Every application in the course of an action may be made to the Court orally, and without previous formality, unless in any case the Court otherwise directs.

73.—(1.) The Court (for reasons recorded in the Minutes) may at any time do any of the following things as the Court thinks just:—

(i.) Defer or adjourn the hearing or determination of any action, proceeding, or application;

## [British Jurisdiction.]

(ii.) Order or allow any amendment of any pleading or other document ;

(iii.) Appoint or allow a time for, or enlarge or abridge the time appointed or allowed for, or allow further time for, the doing of any act or the taking of any proceeding.

(2.) No action or proceeding shall be treated by the Court as invalid on account of any technical error or mistake in form or in words.

(3.) All errors and mistakes may be corrected and times may be extended by the Court in its discretion.

74. Any order within the discretion of the Court may be made on such terms respecting time, costs, and other matters, as the Court thinks fit.

*Entry of Action.*

75.—(1.) Upon the application of any person desirous of bringing an action, the Registrar shall enter, in a book to be kept for the purpose, the names, descriptions, and places of residence of the parties, and address for service of the plaintiff.

(2.) Each action shall be numbered consecutively in every year.

(3.) The Registrar shall issue all summonses (in duplicate) forthwith after the actions are entered.

76. When a person under the age of 21 years desires to commence an action (other than for wages, or piece-work, or for work as a servant) he must secure the attendance of a "next friend" before the Registrar at the time of entering the action, who shall undertake (by signing a Memorandum to that effect, or, if a foreigner, by complying with the requirements of Article 151 (2) of the Principal Order) to be responsible for costs. On entering into this undertaking, the "next friend" becomes liable in the same manner and to the same extent as if he were a plaintiff, and the action shall proceed in the name of the infant "by X. Y., his next friend," and, in the event of the infant becoming liable for costs, proceedings may, in default of payment, be taken for the recovery of the amount against the "next friend."

77. When an action is entered by a married woman in which her husband is not joined she shall state the name, and, as far as she can, the address and description of her husband: and, except in those cases to which the Married Women's Property Act, 1882, applies, shall, unless the Court shall otherwise order, also procure the attendance of a "next friend," who shall give the undertaking and incur all the liability provided in the case of an infant plaintiff in the last preceding Rule.

78. Where an action is commenced in a Provincial Court, and involves an amount in dispute of more than 500*l.*, or appears to involve difficult questions of law, the Court shall forthwith report the commencement and nature of such action to the Supreme Court.

*Parties.*

79.—(1.) All persons may be joined as plaintiffs in whom the right to any relief claimed is alleged to exist, whether jointly, severally, or in the alternative, and judgment may be given in favour of one or more of the plaintiffs for such relief as he or they may be found entitled to without any amendment.

(2.) All persons may be joined as defendants against whom any relief is sought, whether jointly, severally, or in the alternative, and judgment may be given against one or more of the defendants, according to their respective liabilities, without any amendment.

(3.) Trustees, executors, and administrators may sue and be sued on behalf of or as representing the property or estate in which they are so interested without joining any of the persons beneficially interested in the trust or estate, and shall be considered as representing such persons; but the Court may at any stage of the proceedings order such persons to be made parties either in addition to or instead of the previously existing parties.

80. Where many persons have the same interest in one action, one or more of such persons may sue or be sued on behalf of all persons so interested.

81. No action shall be defeated by reason of the mis-joinder or non-joinder of parties, and the Court may in any case either (a) deal with the issues raised so far as regards the rights and interests of the parties before it; or (b) strike out the names of parties improperly joined; or (c), with a view to effectually settling all questions involved, add parties, whether as plaintiffs or defendants.

82. Where a defendant is added or substituted the plaintiff shall, unless otherwise ordered by the Court, take out an amended writ of summons and file a copy thereof, and shall serve such writ upon the new defendant in the same manner as if he were an original defendant, but the proceedings as against such new defendant shall be deemed to have commenced only with the service of such writ.

83.—(1.) An infant may sue as plaintiff by his next friend and may defend by his guardian appointed for that purpose.

(2.) A married woman may sue and be sued as provided by the Married Women's Property Act, 1882.

(3.) A person of unsound mind may sue as plaintiff by his committee or next friend, and may defend by his committee or guardian appointed for that purpose.

84. Every infant defendant served with a summons in an action shall appear at the hearing by a guardian *ad litem* in all cases in which the appointment of a special guardian is not provided for. An order for the appointment of such guardian is unnecessary; but the guardian must file a consent in writing to act as guardian, and the Court may require to be satisfied by affidavit or otherwise that he is a fit and proper person to act as guardian.

85. Before the name of any person is used in any action as next friend of any infant or other party, such person shall sign a written consent to act as next friend, which consent shall be filed in the Court.

86. Any consent as to the mode of taking evidence or to any other procedure, given with the consent of the Court by a next friend, guardian, committee, or other person acting on behalf of a party under disability, shall be of the same effect as if the party were under no disability and had given such consent.

87. Where any class of persons shall be interested in an action the Court, if having regard to the nature and extent of the interest of such persons it appears expedient on account of the difficulty of ascertaining such persons or in order to save expense, may appoint one or more persons to represent the class, and the judgment of the Court shall be binding upon the persons so represented.

88. An action for administration of an estate or for the execution of trusts may be brought against any one legatee, next of kin, or cestui que trust.

89. Where, in an action for administration or the execution of the trusts of any instrument, a judgment or order has been made affecting the rights or interests of persons not parties to the action, the Court may direct that any persons whose rights or interests are so affected shall be served with notice of the judgment or order; and after such notice such persons shall be bound by the proceedings in the same manner as if they had been originally parties, and shall be at liberty to attend the proceedings under the judgment or order. Any person so served may within one month after such service apply to the Court to discharge, vary, or add to the judgment or order.

90.—(1.) When a defendant claims to be entitled to contribution or indemnity against any person not a party to the action, he may at any time before the hearing apply to the Court for leave to serve such person with a summons requiring him to appear before the Court to show cause why he should not be made a party, and also with a copy of the original summons and statement of claim (if any).

(2.) On granting such leave the Court may make such order for the postponement of the trial and for notifying the same to the plaintiff as it thinks fit.

(3.) If the third party does not appear pursuant to the summons, or fails to show cause, the Court may give such directions as it thinks fit for the trial of the question as to the liability of the third party, either at or after the trial of the action, and may by such directions give leave to the third party to defend the action or appear and take part at the hearing in such manner as may appear to be just, or otherwise order in what manner the liability of the third party is to be determined.

(4.) The Court may decide all questions of costs as between a third party and the other parties to the action, and may order

any one or more to pay the costs of any other or give such directions as to costs as the justice of the case may require.

(5.) Where a defendant claims to be entitled to contribution or indemnity against any other defendant to the action, the same procedure, as nearly as may be, shall be adopted for the determination of such questions as in the case of third parties.

91.—(1.) Any two or more persons claiming or being liable as co-partners, and carrying on business within China or Corea, may sue or be sued in the name of the firms whereof they were partners at the time of the accruing of the cause of action.

(2.) When an action is brought in the name of a firm, and the defendant desires to know the names of the persons who are co-partners in the firm, he may give notice in writing to the plaintiff within three days after service of the summons that he requires such names, and the plaintiff shall forthwith send the names and addresses of the co-partners to the defendant and to the Registrar. The Court may at any time order the plaintiff to give to the defendant the names of the co-partners without such notice.

(3.) If, owing to the plaintiff not giving the names of the co-partners before entering the action, or from any delay in furnishing them after the notice above mentioned, the defendant is prevented or unduly delayed in making his defence, the Court may adjourn the hearing upon such terms as it may think fit.

(4.) The Court may, on the application of a plaintiff, require a defendant firm to give to the plaintiff the names of the co-partners of the defendant firm.

(5.) The names of partners to be given under this rule are the names of the partners in the firm at the time of the accruing of the cause of action.

(6.) Notwithstanding the disclosure of partners' names under this rule, all subsequent proceedings in the action shall be in the name of the firm.

92.—(1.) The Court may admit a person to sue or defend as a pauper on his poverty being proved; when he is plaintiff he must show that he has a proper case for relief.

(2.) The Court may by order assign a legal practitioner to appear on behalf of such pauper, and such legal practitioner is not entitled to refuse his services unless he satisfies the Court of some good reason for refusing.

(3.) If any such pauper gives or agrees to give any fee, profit, or reward for the conduct of his business in Court, he shall be guilty of a contempt of Court, and shall also be forthwith dispaupered, and shall not be afterwards admitted to sue or defend as a pauper in the same proceedings or action.

(4.) A person admitted as a pauper may be dispaupered by order of the Court, on its being proved that he was not when admitted, or no longer is, of sufficient poverty, or that he is abusing his privilege by vexatious proceedings.



*Joinder of Causes of Action.*

93. A plaintiff may unite in the same action several causes of action without leave of the Court, except in the following case, in which leave of the Court is required, viz., the joinder of claims by a trustee or assignee in bankruptcy with any claim by him in another capacity.

94.—(1.) Claims by or against husband and wife may be joined with claims by or against either of them separately.

(2.) Claims by or against an executor or administrator as such may be joined with claims by or against him personally, if the last-mentioned claims are alleged to arise with reference to the estate in respect of which he sues or is sued as executor or administrator.

(3.) Claims by plaintiffs jointly may be joined with claims by them, or any of them separately, against the same defendant.

95. If at any time it appears to the Court that the causes of action or claims joined in any action cannot conveniently be tried and disposed of together, it may order separate trials or may exclude any such cause of action or claim, and may order the proceedings to be amended accordingly, and may make such order as to costs as may be just.

*Writ of Summons and Procedure.*

96. Every action shall be commenced by a writ of summons, the formal parts of which shall be filled up in duplicate by the Registrar at the time of entering the action. Every summons, except where otherwise specially provided, shall bear date on the day of issue, and shall be tested in the name of the member of the Court by which it is issued.

97. Every writ of summons shall be indorsed with a statement sufficient to give notice of the nature of the claim or of the relief or remedy required in the action, and, when damages are claimed, with a statement of the amount of such damages. Such indorsement shall be made and signed by one of the persons mentioned in Article 121 (1) of the Principal Order.

98. If a plaintiff sues or a defendant is sued in a representative capacity, the indorsement shall show in what capacity the plaintiff or defendant sues or is sued.

99. Where a plaintiff suing out a writ of summons, either alone or jointly with any other person, is ordinarily resident out of the particular jurisdiction (or in the case of an action in the Supreme Court, out of the district of the Consulate of Shanghai), he shall file in the Court, at or before the issue of the summons, a written statement of a fit place within the particular jurisdiction (or within such district as aforesaid), where notices and other papers issuing from the Court may be served on him.

He shall also give security for costs by deposit of a sum not exceeding 50*l.*, or by bond in a penal sum not exceeding 100*l.*

## [British Jurisdiction.]

The Court may at any time, either of its own motion or on the application of any defendant, order the plaintiff to give further or better security to the amount aforesaid for costs, and may direct proceedings to be stayed in the meanwhile.

100.—(1.) In all actions where the plaintiff seeks only to recover a debt or liquidated demand in money payable by the defendant with or without interest, arising—

(a.) Upon a contract expressed or implied (as, for instance, on a bill of exchange, promissory note or cheque, or other simple contract debt); or

(b.) On a bond or contract under seal for payment of a liquidated amount of money; or

(c.) On a Statute where the sum sought to be recovered is a fixed sum of money, or in the nature of a debt other than a penalty; or

(d.) On a guaranty, whether under seal or not, where the claim against the principal is in respect of a debt or liquidated demand only; or

(e.) On a trust;

he may, besides stating the nature of the claim, state the amount claimed for debt or in respect of such demand and for costs respectively, and shall further state that upon payment thereof within four days after service further proceedings will be stayed.

(2.) The defendant may notwithstanding such payment have the costs taxed, and if more than one-sixth shall be disallowed the plaintiff shall pay the costs of taxation.

101. Where the plaintiff proceeds under Rule 100, he may, on the return day, and whether the defendant appears or not, on affidavit made by himself or by any other person who can swear positively to the facts verifying the cause of action and the amount claimed, and stating that in his belief there is no defence to the action, apply to the Court for final judgment for the amount indorsed upon the writ of summons, together with interest, if any, and costs. The Court may thereupon, unless the defendant shall by affidavit or by *vivâ voce* evidence on oath satisfy the Court that he has a good defence to the action on the merits, or disclose such facts as may be deemed sufficient to entitle him to defend, give final judgment for the plaintiff accordingly.

102. In all cases where the plaintiff in the first instance desires to have an account taken, the indorsement shall contain a claim that such account be taken.

103. In all cases where the assignee of any debt or other legal chose in action sues, he shall state in the indorsement the name and description of the assignor.

104. Where the plaintiff seeks to obtain redress upon more than one cause of action or claim, he shall state in the indorsement the grounds of each claim separately, and shall also state separately the redress he claims in respect of each.

105.—(1.) An original summons shall not be in force for more than twelve months from the day of its date (including that day).

(2.) If any defendant named therein is not served therewith, the plaintiff may, before the end of the twelve months, apply to the Court for renewal thereof.

(3.) The Court, if satisfied that reasonable efforts have been made to serve the defendant, or for other good reason, may order that the summons be renewed for six months from the date of renewal, and so, from time to time, during the currency of the renewed summons.

(4.) The summons shall be renewed by being resealed with the seal of the Court, and a note being made thereon by the Registrar, stating the renewal and the date thereof.

(5.) A summons so renewed shall remain in force and be available to prevent the operation of any statute of limitation, and for all other purposes, as from the date of the original summons.

(6.) The production of a summons purporting to be so renewed shall be sufficient evidence of the renewal and of the commencement of the action, as of the date of the original summons, for all purposes.

106. If an action is not proceeded with and disposed of within twelve months from service of the original summons, the Court may, if it thinks fit, without application by any party, order the same to be dismissed for failure to proceed.

#### *Service.*

107. Every summons shall be returnable at a Court to be held not less than seven clear days after the service.

But a summons may be issued returnable at any shorter period on the production to the Registrar of an affidavit by the plaintiff or some one aware of the fact that the defendant is about to remove out of the jurisdiction of the Court, and the Court may, on the return day, on the proof of the service of the writ of summons, proceed with the trial of the action.

108.—(1.) With the original summons the Registrar shall issue a copy for service, which shall also bear the seal of the Court.

(2.) Service of a summons shall be made by an officer of the Court, unless in any case the Court thinks fit otherwise to direct.

(3.) Service shall not be made except under an order of the Court indorsed on or subscribed or annexed to the summons, which order is part of the summons to be served.

(4.) Except as otherwise provided in these Rules, and unless the Court thinks it just and expedient otherwise to direct, service shall be personal, that is, the summons shall be delivered to the person to be served himself.

(5.) An order for service may be varied from time to time with respect to the mode of service directed by the order.

(6.) Service not required to be personal shall be made before 5 o'clock in the evening: if made after that hour it shall be considered as made on the following day, and if after that hour on Saturday as made on the following Monday.

(7.) Service shall not be made on Sunday, Christmas Day or Good Friday.

(8.) Ordinarily service shall not be made out of the particular jurisdiction, except under an order for that purpose made by the Court within whose jurisdiction service is to be made, which order may be made on the request of the Court issuing the summons.

(9.) Where, however, the urgency or other peculiar circumstances of the case appear to any Court so to require (for reasons recorded in the Minutes), the Court may order that service be made out of its particular jurisdiction.

109. When the summons is addressed to:—

1. An infant—service shall be effected by delivering the summons to his father or guardian, or, if none, to the person with whom he resides, or under whose care he is. But the Court may order that service on the infant himself shall be good service.

2. A lunatic—service shall be effected by delivering the summons to his committee, if he has one, or, if not, to the person with whom he resides or under whose care he is.

3. Partners sued in the name of their firm—service shall be effected either upon any one or more of the partners, or by delivering the summons to any person at the principal place of business of the partnership, who, at the time of the service, apparently has the control or management of the partnership business there; but if the partnership has to the knowledge of the plaintiff been dissolved before the commencement of the action, service must be effected upon every person within the jurisdiction sought to be made liable.

4. A person living or serving on board any ship, or vessel, or hulk—service shall be effected by delivering the summons to any person on board, who, at the time of service, is apparently in charge of the ship, vessel, or hulk.

5. A prisoner in gaol—service shall be effected by delivering the summons to the Governor, or any person appearing to be head officer in charge.

6. A corporation—service shall be effected by delivering the summons to a secretary or clerk of the defendants within the ordinary jurisdiction of the Court.

110.—(1.) When a defendant keeps his house or place of dwelling or of business closed in order to prevent the service of the summons, it shall be sufficient service to affix the summons on the door of the house or place of dwelling or of business.

(2.) When the Marshal is prevented by the violence or threats of the defendant, or of any other persons in concert with him, from personally serving the summons, it shall be sufficient service to leave the summons as near to the defendant as practicable.

111. Where it appears to the Court (either after or without an attempt at personal service) that for any reason personal service cannot be conveniently effected, the Court may order that service be effected either—

(a.) By delivery of the summons to some adult inmate at the

usual or last known place of abode or business of the person to be served : or

(b.) By delivery thereof to some person being an agent of the person to be served or to some other person within the jurisdiction of the Court on its being proved that there is reasonable probability that the document will, through that agent or other person, come to the knowledge of the person to be served : or

(c.) By advertisement in such newspaper as the Court may order : or

(d.) By notice put up at the Court or at some other place of public resort within the jurisdiction of the Court.

Provided that where the person to be served is not within the limits of the Principal Order, an order under this Rule shall not be made by a Provincial Court, except such order as is authorized by paragraph (b).

112. When the summons, though not served personally, has been delivered at the house or place of dwelling or business of the defendant, and he does not appear in person or by his legal practitioner or agent on the return day, the action may proceed, if the Court is satisfied on the evidence before it that the service has come to the knowledge of the defendant before the return day, but no such evidence shall be necessary in the cases mentioned in Rules Nos. 109 (Sections 4, 5, and 6) and 110.

113. Whenever, by any Statute, provision is made for service of any summons or other process upon any corporation, society, fellowship, or any body or number of persons, whether corporate or otherwise, the summons may be served in the manner provided.

114. When a summons has been served in one of the modes before mentioned, but is proved to have come to the knowledge of the defendant less than five clear days before the return day, the action may, at the discretion of the Court, proceed or be adjourned, whether the defendant appears or not.

115. The foregoing Rules as to the mode, but not those as to the time of service of summonses to appear to an action, shall apply to the mode of service of all summonses or other process whatsoever, except where otherwise directed by Statute or by these Rules.

116. No summons shall be renewed if the non-service has been caused by the fact of the defendant having removed before the entry of the action from the address given, or of the plaintiff having given a wrong or insufficient address ; but in every such case a fresh action must be entered and a new summons issued.

#### *Special Defences.*

117. Where a plaintiff sues on behalf of others having the same interest, the defendant may avail himself of any defence in respect of each of the persons on whose behalf the plaintiff is suing, which he would have had had such person been plaintiff.

118.—(1.) When a defendant desires to defend on behalf of others having the same interest, he shall, within seven clear days of the service of the summons, apply to the Court for leave so to

defend, and shall file an affidavit of the facts on which he relies to obtain such leave, together with the names, addresses, and occupations of such persons, and the Court may thereupon make an order for the defendant so to defend, and shall add the names to that of the defendant, and a copy of the order shall be personally served on each of such persons, and notice sent to the plaintiff.

(2.) The plaintiff, or any of the persons whose names have been so added, may at the trial object to the defendant defending on behalf of all or any of the persons included in the order, and the Court may, if it thinks fit, strike the name of all or any of such persons out of the proceedings, and order the defendant to pay such costs as it shall think fit.

119.—(1.) When the defendant intends to rely upon any of the grounds of defence hereinafter mentioned, or upon any counter-claim, he shall file a notice stating therein his name and address together with a concise statement of such grounds two days before the return day of the summons; the Registrar shall thereupon send a copy of such notice and particulars to the plaintiff.

(2.) If this rule has not been complied with, and the plaintiff does not consent at the hearing to allow the defendant to avail himself of the special defence, the Court may adjourn the trial on such terms as it may think fit to enable the defendant to give the required notice.

(3.) The notice to be given by the defendant under this Rule shall contain particulars as stated below :—

No.	Nature of Special Defence.	Particulars required in the Notice.
1	Counter-claim against plaintiff's claim	Particulars of counter claim
2	Infancy ....	The place and date of birth as far as he is able
3	Coverture ....	The place and date of marriage, together with the Christian and surname of her husband, and his address and description so far as known
4	Statute of Limitations ....	The date from which he relies that the Statute begins to run
5	Release under any Statute relating to bankrupts or for the relief of insolvent debtors	The date of his certificate, discharge, or final order, and the Court by which such certificate, discharge, or final order was granted or made
6	Statutory defence in an action of tort	The year, chapter, and section of the Statute on which he relies, or the short title thereof
7	Tender ....	Amount of tender, and in respect of what portion of the claim NOTE.—This defence is not available unless at the time of filing the notice the defendant pays into Court (which may be without costs) the amount alleged to have been tendered
8	Any equitable estate, or right of relief on any equitable ground	The circumstances which give rise to such defence, and each of the grounds of equitable defence set forth separately

## [British Jurisdiction.]

*Pleadings and Issues.*

120. There shall ordinarily be no written pleadings; but the Court may at any time, if it thinks fit, order the plaintiff to put in a written statement of his claim, or a defendant to put in a written statement of his defence.

121. In all cases in which the party pleading relies on any misrepresentation, fraud, breach of trust, wilful default, or undue influence, particulars thereof shall be delivered to the other side before the return day, or such other day as the Court may fix.

122.—(1.) On the return day or on the day when the parties are first before the Court, the Court, on the application of either party or of its own motion, may make an order for

(a.) Pleadings;

(b.) Particulars of the plaintiff's claim or of the defendant's counter-claim or special defence raised under Rule 119.

(2.) Either party may at any time apply by motion to the Court for an order for pleadings or particulars.

(3.) When the Court makes an order for pleadings or particulars then, unless the Court otherwise order, the pleadings or particulars which in ordinary course should be first delivered shall be delivered within fifteen days of the making of the order, and subsequent pleadings or particulars within fifteen days of the delivery to the opposite party of the previous pleadings or particulars.

(4.) Copies of pleadings or particulars, with a statement of the day on which they were delivered to the opposite party, shall be forthwith filed.

123. When, in any action, it appears to the Court that the issues of fact in dispute are not sufficiently defined, the parties may be directed to prepare issues, and such issues shall, if the parties differ, be settled by the Court.

*Interlocutory and Interim Orders and Proceedings.*

124. When any party desires before trial an order upon any of the matters following, viz.:—

(1.) For the production of any deed;

(2.) To secure the possession, detention, or preservation of any property;

(3.) To obtain security from any person for any moneys in his possession, or to enforce the payment into Court or deposit thereof pending litigation;

(4.) The sale of any goods, wares, or merchandise which may be of a perishable nature, or which the Court may think desirable to be sold at once, and the payment of the price thereof into Court;

(5.) The inspection or taking samples of any goods, wares, or merchandise;

(6.) For measuring, weighing, or making any experiment upon

any goods, wares, or merchandise by some person named in the order;

(7.) For surveying, measuring, or making any plan, model, level, or section of any building or place;

(8.) For a view of any premises that may be in dispute;

(9.) The taking of any accounts, or making any inquiries, or for any other interlocutory or interim order or proceeding; he may file an application for such order, and apply *ex parte* (i.e., without notice to the other side) to the Court, with affidavits showing the facts rendering such order immediately necessary, and upon this application the Court may either make an order absolute in the first instance, or make an order to become absolute at any period to be named by the Court, unless before that period cause is shown to the contrary, or may make such other order, or give such other directions in the matter as the Court may think fit, and may order immediate execution. But affidavits are not necessary in the first instance unless the Court so orders.

125. Where an action is brought to recover, or a defendant in his defence seeks to recover by way of counter-claim, specific property other than land, and the party from whom it is claimed does not dispute the title of the claimant, but claims to retain the property by virtue of a lien or otherwise as security for any sums of money, the Court, upon being satisfied by affidavit or otherwise of the existence of such lien or security, may order that the claimant shall be at liberty to pay into Court, to abide the event of the action, the amount of money in respect of which the lien or security is claimed, and such further sum (if any) for interest and costs as the Court shall direct, and that upon such payment being made into Court the property shall be given up to the party claiming it.

126. The drafts of all orders under the two preceding Rules shall be prepared beforehand by the party applying, and if the Court approves of the application it shall settle and sign the draft, which shall be delivered by the applicant to the Registrar, who shall draw up the order in conformity with the draft, and seal and file the same, and issue a copy under the seal of the Court to the Marshal for service.

Where from any cause the party is unable to prepare the draft order, it shall be prepared by the Court.

127. When orders under sections 5, 6, and 7 of Rule 124 specify the performance of an act by a person named in the order, they may include an order for the Registrar, or some other person named in the order, to examine upon oath and take the deposition of the person first named as to the measure, weight, or inspection, or the correctness of the survey, or the result of the experiment, or the fairness of the samples, or the accuracy of the plan or model, and such order may also empower any or either party to give the deposition so taken in evidence upon any trial or proceeding.

128. An order under Rule 124, section 7, may also give



authority to a person to be named in the order to enter, with such persons as may be necessary for his assistance, upon any lands or tenements to be described in the order in the possession of any party to the action for the purpose of executing the order.

*Discontinuance and Disclaimer.*

129. A plaintiff who desires to discontinue the action or matter against all or any of the parties thereto shall give written notice to the Registrar and to the parties as to whom he wishes to discontinue the action or matter, and thereupon the party may apply *ex parte* for an order against the plaintiff for the costs incurred before the receipt of the notice and of attending to obtain the order.

130. A defendant may file a statement—

- (1.) Disclaiming any interest in the subject-matter of the action ;
- (2.) Admitting or denying any of the statements in plaintiff's particulars ;
- (3.) Raising any question of law in any such statement without admitting its truth ;
- (4.) Stating concisely any new fact or document upon which he intends to rely as a defence or to bring to the notice of the Court ;

and a copy thereof shall be transmitted by the Registrar to the plaintiff.

The fact of a defendant having or not having availed himself of this Rule shall be taken into account in the consideration of the question of costs.

*Admissions.*

131. When a defendant desires to admit the truth of the statement in the plaintiff's particulars and to submit to the judgment of the Court thereon, he may, at any time before the return day, sign an admission in the presence of the Registrar, and such admission shall be filed at least two clear days before the return day, and the Registrar shall transmit a copy thereof to the plaintiff or his legal practitioner.

Unless by order of the Court, the plaintiff shall not be allowed any costs incurred in relation to the proof of the matter so admitted, after the service upon him of such admission.

132. Either party may call upon the other party to admit any document saving all just exceptions; and if the other party refuses or neglects to admit after this notice he shall pay the costs of proving the document in any event unless the Court certifies that the refusal to admit was reasonable. And no costs of proving any document shall be allowed unless such notice be given, except in cases where the omission to give the notice is, in the opinion of the taxing officer, a saving of expense.

133.—(1.) Any party may give notice to another party by his pleading, or otherwise in writing, that he admits the truth of the whole or any part of the case of that other party.

(2.) Any party may, by notice in writing, at any time not less than three clear days before the hearing, call on any other party to admit for the purpose of the action or matter only any specific fact mentioned in the notice. In case the other party refuses or neglects to admit the fact within three days, or such further time as the Court may allow, he shall pay the costs of proving the fact in any event, unless at the hearing the Court certify that the refusal was reasonable or otherwise order.

134. At any stage of an action or matter where admissions of facts have been made any party may apply to the Court for such judgment or order as upon such admissions he may be entitled to, without waiting for the determination of any other question between the parties. And the Court, upon such application, may make such order or give such judgment as it may think fit.

135. Any party may, by notice in writing, at any reasonable time before the trial of an action or matter, call upon any other party to produce any document at the trial, and if after receipt of such notice the other party does not produce the document required, the party requiring it may, on proof of service of the notice and that the document is in the possession of the other party, give secondary evidence respecting it.

#### *Payment into Court.*

136.—(1.) When a defendant desires to pay money into Court on an ordinary summons, except under a defence of tender, he shall do so at least two clear days before the return day with Court fees proportionate to the amount paid in and the legal practitioner's costs, if any, and the Registrar shall immediately send to the plaintiff notice thereof.

(2.) When such payment is made less than two clear days before the return day or without the costs, the Registrar shall in the same way send notice to the plaintiff, but the Court may order the defendant to pay such fees and costs as the plaintiff shall have incurred in issuing the summons, preparing for trial and attending the Court, but no hearing fee shall be charged.

(3.) If the plaintiff elects to accept the money paid into Court in full satisfaction of his claim including costs, and gives the Registrar and defendant notice before the return day, within reasonable time after the payment, the action shall abate and the plaintiff shall not be liable to further costs; but if he does not give such notice the action may proceed.

(4.) When a defendant pays into Court any sum admitted by him to be due after deducting any amount claimed by him as a counter-claim, he shall pay therewith Court fees proportionate to the total amount of the sum paid in and the sum claimed as counter-claim.

(5.) When a defendant pays into Court in part payment of the amount claimed, or under the defence of tender, and the plaintiff does not accept the sum paid in satisfaction of the action, the money shall not be paid out until after the judgment, and then, if any costs have been awarded to the defendant, the amount of such costs shall be deducted from the amount paid in and delivered to the defendant.

137.—(1.) Money to be paid into Court under an order of the Court, or otherwise, may be so paid during office hours, on every day on which the office is open.

(2.) Whenever money is paid into or deposited in Court, whether before or after judgment, an acknowledgment in print or in writing, signed by the proper officer, of such payment or deposit shall be given to the person by whom the money is paid or deposited.

(3.) Searches may be made and the money to which suitors are entitled shall be paid out on demand on two days at least in each week, such days to be fixed by the Court and to be printed or written on the summons.

(4.) No officer of the Court shall, on account of suitors, sign the ledger or any other book, or receive money, or otherwise act as an agent.

*Discovery and Inspection.*

138.—(1.) In any action either party may, by leave of the Court, deliver interrogatories in writing for the examination of the opposite parties, or any one or more of such parties, in which latter case they shall have a note at the foot stating which of the interrogatories each person is required to answer.

(2.) Neither party shall deliver more than one set of interrogatories to the same party without an order of the Court.

(3.) No interrogatory which does not relate to any matter in question in the action or matter shall be allowed.

(4.) On an application for leave to deliver interrogatories the particular interrogatories proposed to be delivered shall be submitted to the Court. In deciding upon such application the Court shall take into account any offer which may be made by the party sought to be interrogated to deliver particulars, or to make admissions, or to produce documents, and leave shall be given to deliver only such interrogatories as seem necessary.

(5.) When the party sought to be interrogated is a company, partnership, or other body of persons, the name of the officer, member, or person by whom it is proposed that the interrogatories shall be answered must be inserted in the interrogatories, and an order allowing the interrogatories may be made accordingly.

(6.) Any interrogatories may be set aside on the ground that they are unreasonable or vexatious, or struck out on the ground that they are prolix, oppressive, unnecessary or scandalous.

139.—(1.) Interrogatories shall be answered by affidavit within eight days, or such time as the Court may allow.

(2.) Any objection to answering any interrogatory, on the ground that it is scandalous or irrelevant, or not *bonâ fide* for the purpose of the action or matter, or on any other ground, may be taken in the affidavit in answer.

(3.) If any person interrogated omits to answer, or answers insufficiently, the party interrogating may apply to the Court for an order requiring him to answer or to answer further, as the case may be.

(4.) Such answer or further answer may be either by affidavit or in *vivâ voce* examination, as the Court shall direct.

140.—(1.) Any party may, without affidavit, apply to the Court for an order directing any other party to an action or matter to make discovery on oath of the documents which are or have been in his possession or power relating to any matter in question. On the hearing of the application the Court may adjourn or refuse the same, if it is satisfied that this discovery is unnecessary, or not necessary at that stage of the cause or matter, or make such order either generally or limited to certain classes of documents as may in its discretion be thought fit.

(2.) The affidavit to be made by a party against whom such an order of discovery has been made shall specify which (if any) of the documents he objects to produce, and the grounds for his objection.

(3.) At any time during the pendency of an action or matter the Court may order the production on oath, by any party thereto, of such of the documents in his possession or power relating to any matter in question in the action or matter as the Court may think right, and may deal with such documents, if produced, in such manner as shall appear just.

141.—(1.) If any party fails to comply with an order to answer interrogatories or for discovery or inspection of documents, he shall be liable to attachment under Rule 176.

(2.) He shall also, if a plaintiff, be liable to have his action dismissed for want of prosecution, and if a defendant, to be placed in the same position as if he had not defended. And the party interrogating may apply to the Court for an order to that effect, and the order may be made accordingly.

142. Any one or more of the answers, or any part of an answer, to interrogatories, may be used by the opposite party in evidence without putting in the others or the whole of the answer. But in any case the Court may look at the whole of the answers, and may direct others to be put in, if it be of opinion that any of them are so connected with those already put in that they should not be left out.

#### *Witnesses.*

143.—(1.) Summonses to witnesses may be issued by the Registrar without leave of the Court, and may, by leave of the Court, be issued in blank and served by the party applying for

them or his legal practitioner, but only one name shall be inserted in each summons.

(2.) It shall be sufficient if a summons to a witness be served a reasonable time before the return day.

144. Except where otherwise provided by the Principal Order or these Rules, the evidence of witnesses shall be taken *vivâ voce* on oath. Where evidence is permitted to be taken by affidavit, such evidence may be taken *vivâ voce* on oath if the Court shall so direct.

145.—(1.) When a witness served with a summons to produce does not at the trial produce the document required, the Court, upon admission or proof of the service of the summons within a reasonable time, and that the documents are in the possession or power or under the control of the witness, and that they relate to the matter then pending before the Court, may make an order for their production by the witness, and may deal with them when produced and with all costs occasioned by their non-production as may seem just.

(2.) Nothing in this Rule shall prevent the Court from receiving secondary evidence, where admissible, of any document the production of which has been required as above.

146. When any document is produced to the Court from proper custody, it shall be read without further proof if no objection be taken and if it appears genuine; if the admission of any document so produced be objected to, the Court may adjourn the hearing for the proof of the document, and the party objecting shall pay the costs caused by the objection in case the document shall be afterwards proved, unless the Court shall otherwise order.

147. When a party desires to use at the trial an affidavit by any particular witness or regarding any particular facts, he may, five clear days before the hearing, give a notice, with a copy of the affidavit annexed, to the party against whom the affidavit is to be used, and unless the last-named party shall, within two clear days, give notice to the other party that he objects to the use of such affidavit, he shall be taken to have consented to the use of it, unless the Court otherwise order.

But the Court may allow an affidavit to be used in any case.

148.—(1.) Whenever it shall be made to appear to the Court upon the affidavit of any party to an action or matter, or of any credible person, that it is likely that any witness or person by reason of great age and infirmity, illness, or any other sufficient cause may not be able to appear to give evidence at the trial, the Court may make an order, notice of which shall be served on the other side, for the examination on oath of such witness or person by the Court at any place, and may empower any party to the action or matter to give the deposition so taken in evidence on such terms, if any, as the Court may direct.

(2.) Such deposition shall not be used at the trial if it shall

then be made to appear to the Court that the witness is able to appear and be examined *vivâ voce*.

149. All affidavits and depositions shall be read as the evidence of the person by whom they are used.

*Change of Parties.*

150.—(1.) When by reason of any event occurring after the commencement of any action or matter, there shall be any assignment, creation, or transfer of the interest, estate, or title of any plaintiff before judgment, the person to or upon whom the interest, estate, or title has come may give notice of the fact to the Registrar, with his name and address, together with an affidavit of the truth of the fact. The Registrar shall at once cause a copy of the notice to be served upon the defendant in the action or matter, and a further notice stating that unless by a certain date he appears and shows cause against it the person to or upon whom the interest, estate, or title has come will be substituted for or made a joint plaintiff with the original plaintiff.

(2.) In the same manner with regard to any defendant such defendant may give a similar notice to the Registrar, who shall take the like proceedings, and a defendant may be substituted or added, as the case may be, in the same manner as in the case of the substitution or addition of a plaintiff.

(3.) When a plaintiff or defendant is substituted or added under this Rule the title of the action shall be altered, and all subsequent proceedings carried on under the altered title.

151. No action or matter shall abate on account of the marriage, death, or bankruptcy of any of the parties, if the cause of action survives or continues, and no action or matter shall become defective on account of the assignment, creation, or transfer of any estate or title while the action or matter is proceeding. And whether the cause of action survives or not, there shall be no abatement if either party die between the verdict or the finding of the issues of fact and the judgment, but judgment may be entered in such case notwithstanding the death.

152. When by reason of marriage, death, or bankruptcy, or any other event occurring after the commencement of an action and causing a change or transmission of interest or liability, or by reason of any person coming into existence after such commencement, it becomes necessary or desirable that any person not already a party should be made a party, the Court may on application make an order that the action shall be carried on between the continuing parties and the new party or parties.

153.—(1.) By leave of the Court, execution on any judgment may issue to any person not a party to the action, if such person proves his title to the benefit of the judgment. The Registrar shall substitute the name of such person for that of the original plaintiff with a statement of his title, and shall give notice of having done so to the defendant, and execution shall not issue upon the judgment until three clear days after the service of the notice.

(2.) When execution is required of any judgment against any person not a party to the action, the plaintiff shall take out a summons on the judgment directed to the person against whom it is proposed to issue execution, calling upon him to show cause why the judgment should not be enforced against him under the circumstances stated in the summons.

(3.) When a judgment has been given against a deceased person, his executors or administrators may be sued upon the judgment in the manner provided by this Rule.

### *Trial.*

154.—(1.) If at the hearing the plaintiff appears but the defendant or any of the defendants does not appear, the Court shall, before hearing the action, inquire into the service of the summons and of notice of hearing on the absent party.

(2.) The Court, if not satisfied as to the service, may order further service to be made as the Court directs, and in that case shall adjourn the hearing for the purpose, but, if so satisfied, may proceed to hear the action notwithstanding the absence of the defendant or any defendant.

(3.) If the Court hears an action in the defendant's absence the Court may afterwards, on proof that the absence was excusable and that the defendant has a defence on the merits, re-hear the action on such terms as it thinks fit.

155. If at any trial or at any continuation or adjournment the plaintiff does not appear and the defendant does appear and does not admit the plaintiff's claim, the Court may in its discretion dismiss the action and award to the defendant costs in the same manner and to the same amount as if the action had been tried, but no hearing fee shall be charged. The plaintiff may subsequently commence a fresh action on such terms as to costs and otherwise as to the Court shall seem fit.

156. When an infant defendant appears at the trial and names a person who then consents to act as guardian, such person shall be appointed guardian accordingly, but, if the defendant does not name a guardian, the Court may appoint any person in Court willing to become a guardian, or, if there is no such person, the Court shall appoint the Registrar to be guardian, and the name of the guardian so appointed shall be entered, and the action shall then proceed, but no responsibility shall attach to any person appointed guardian at the instance of the Court.

157. When at the trial it appears that an action by the same plaintiff for the same cause is pending in any other Court, whether within or without the jurisdiction, the Court shall order the action to be struck out unless the plaintiff undertakes to discontinue the action in the other Court before a certain date to which the trial shall be adjourned, and if the action in the other Court has not been discontinued by that date, the action shall then be struck out.

## [British Jurisdiction.]

158. At the trial the Court may try the whole matter of the action and give judgment thereon, or grant any relief, redress, or remedy, or may make any order and give any direction it may consider necessary to enable it to give a final judgment upon a future day (to which the trial shall be adjourned), and may also make such order as to costs as shall be authorized by these Rules and as the Court may think fit.

159. When at the trial the Court considers that the action cannot be adjudicated upon by reason of all the proper parties not being before the Court, it may order such parties to be made plaintiffs or defendants upon such terms as to adjournment notices and costs as it shall think fit.

160. When two or more defendants are joined, and judgment is given separately against each with costs, the costs shall be apportioned according to the respective amounts of each judgment, unless the Court shall otherwise order.

161. When a counter-claim is established against a plaintiff's claim, the Court may, if the balance is in favour of the defendant, give judgment for the defendant for such balance, or may adjudge to the defendant otherwise such relief as he may be entitled to on the merits of the case.

*Amendments.*

162. The Court may, at any stage of the proceedings and in such manner and on such terms as may be just, allow all such amendments to be made as may be necessary for the purpose of determining the real questions in controversy between the parties.

163. If a party who has obtained leave to amend does not amend accordingly within the time limited for that purpose, or, if no time is specified, within eight days from the date of the order, the order shall become *ipso facto* void, unless the Court shall think fit to extend the time.

164. Whenever any document is amended it shall be marked with the date of the order of amendment, and of the day on which the amendment is made, in manner following, viz. :—

Amended            day of            , pursuant to order of  
       , dated the        day of        , 19    .

165. Whenever any document is amended it shall be delivered to the opposite party within the time allowed for the amendment, and when the document is one which is required to be filed the amended document shall be filed also in the same manner.

*Judgments and Orders.*

166.—(1.) A Minute of every order, whether interlocutory or final, shall be made by the Court in the Minutes of Proceedings at the time when the judgment or order is given or made.

(2.) Every such Minute shall have the full force and effect of a formal order, and shall form part of the Record.



(3.) The Court may at any time order a formal order to be drawn up on the application of any party.

(4.) Where the Court delivers a decision in writing, the original or a copy thereof signed by the Judge or officer holding the Court shall be filed in the proper office of the Court with the papers in the action.

(5.) An order shall not be drawn up in form except on the application of some party to the action, or by direction of the Court, and shall then be passed and be certified by affixing thereto the seal of the Court, and it shall then be deemed to form part of the record in the action.

(6.) An order shall not be enforced or appealed from nor shall an office copy of it be granted until it forms part of the record.

(7.) An order shall bear the date of the day of the delivery of the decision on which the order is founded.

(8.) Any party to an action or proceeding is entitled to have an office copy of any order made therein.

167. All orders of adjournment or for the payment of costs and all judgments for the payment of any debt or damages or costs shall be entered by the Registrar in the Minutes; but all special judgments or orders in the nature of Decrees shall be settled by the Court and shall be sealed with the seal of the Court and filed with the rest of the documents in the action or matter, and the Minute of the filing, with an abstract of such judgment or order and the date thereof, shall be entered in the Minutes.

168. Orders for payment of money or costs or both and orders of adjournment when directed to be served shall in all cases be prepared by the Registrar, and, unless the Court shall otherwise order, shall be delivered to the Marshal, who shall immediately send them to the parties on whom they are directed to be served. But it shall not be necessary for a party in whose favour any order has been made to prove, previously to his taking proceedings thereon, that it has reached the other party.

169. Any consent in writing signed by or on behalf of the parties may, by leave of the Court, be filed, and shall thereupon have the effect of an order of the Court.

170.—(1.) When the Court orders the payment of a sum of money such money shall, unless the Court otherwise orders, be payable forthwith.

(2.) The Court may order the amount of a judgment and the costs to be paid by instalments as it may think fit.

(3.) When the amount in dispute does not exceed 50*l.* the Court may at the time of giving judgment award a lump sum for costs, not exceeding 5*l.* and Court fees, and such sum shall become payable forthwith unless the Court otherwise orders.

(4.) The rate of interest on judgment debts shall be 5 per cent.

(5.) All payments may be made into Court.

(6.) The Registrar shall give notice to the party in whose

favour it is made of every payment made into Court when the payment exceeds 10s.

171. In any action or matter in which an injunction has been or might have been claimed the plaintiff may, before or after judgment, apply for an injunction to restrain the defendant from the repetition or continuance of the wrongful act or breach of contract complained of, or from the commission of any wrongful act or breach of contract of a like kind relating to the same property or right, or arising out of the same contract, and the Court may, in addition to giving judgment for such damages and costs as the plaintiff may be entitled to, grant the injunction either upon or without terms as may be just.

172. Where a judgment or order directs any deed to be prepared and executed, it shall state by what party the deed is to be prepared and to whom it shall be submitted for approval, and if the parties cannot agree upon the form of it the Court may, upon the application of either party, either settle the deed itself, or name a competent person by whom the deed shall be settled subject to the final approval of the Court.

173. Where an order directs any personal property to be sold, it shall be sold by public auction under the superintendence of the Marshal, unless the Court shall otherwise direct.

174.—(1.) On proof of great urgency or other peculiar circumstances, the Court may, if it thinks fit, before service of a writ of summons in an action, and without notice, make an order of injunction, or an order to sequester money or goods, or to stop the clearance of a vessel, or to hold to bail, or to attach property.

(2.) Before making the order the Court shall require the person applying for it to enter into a recognizance, with or without a surety or sureties, as the Court thinks fit, as security for his being answerable in damages to the person against whom the order is sought.

(3.) The order shall not remain in force more than twenty-four hours, and shall at the end of that time wholly cease to be in force, unless within that time an action is regularly brought by the person obtaining the order.

(4.) The order shall be dealt with in the action as the Court thinks fit.

175.—(1.) Where an action is brought for the recovery of a sum exceeding 5*l.*, and it is proved that the defendant is about to abscond for the purpose of defeating the plaintiff's claim, the Court may, if it thinks fit, order that he be arrested and delivered into safe custody to be kept until he gives bail or security with a surety or sureties in such sum, expressed in the order, as the Court thinks fit not exceeding the probable amount of debt, or damages, and costs to be recovered in the action, that he will appear at any time when called on, while the action is pending, and until execution or satisfaction of any order made against him, and that, in default of appearance, he will pay any money and costs which he is ordered to pay in the action.

## [British Jurisdiction.]

(2.) The expenses incurred for the subsistence of the defendant while under arrest shall be paid by the plaintiffs in advance at such rate and in such amounts as the Court directs; and the total amount so paid may be recovered by the plaintiff in the action, unless the Court otherwise directs.

(3.) The Court may at any time, on reasonable cause shown, discharge or vary the order.

(4.) An order to hold to bail shall state the amount, including costs, for which bail is required.

(5.) It shall be executed forthwith.

(6.) The person arrested under it shall be entitled to be discharged from custody under it on bringing into Court the amount stated in the order to abide the event of such action as may be brought, or on entering into a recognizance, without or with a surety or sureties as the Court thinks fit, as security that he will abide by the orders of the Court in any action brought.

(7.) He shall be liable to be detained in custody under the order for not more than seven days, if not sooner discharged; but the Court may from time to time, if it thinks fit, renew the order.

(8.) No person, however, shall be kept in custody under any such order and renewed order for a longer time than thirty days.

176.—(1.) Where the order of the Court is one ordering some act to be done other than payment of money, there shall be indorsed on the copy of it served on the person required to obey it a memorandum in the words or to the effect following:—

If you, the within-named *A. B.*, neglect to obey this order within the time therein appointed, you will be liable to be arrested and your property may be sequestered.

(2.) Where the person directed to do the act fails to do it according to the order, the person prosecuting the order may apply to the Court for another order for the arrest of the disobedient person.

(3.) Thereupon the Court may make an order ordering and empowering an officer of the Court therein named to take the body of the disobedient person and detain him in custody until further order.

(4.) He shall be liable to be detained in custody until he has obeyed the order in all things that are to be immediately performed, and given such security as the Court thinks fit to obey the order in other respects (if any) at the future times thereby appointed.

177.—(1.) Where it is proved that the defendant, with intent to obstruct or delay the execution of any order obtained or to be obtained against him, is about to remove any property out of the jurisdiction of the Court, the Court may, if it thinks fit, on the application of the plaintiff order that property to be forthwith seized and secured.

(2.) The Court may at any time on reasonable cause shown discharge or vary the order.

178.—(1.) If it appears to the Court that any order made

under any of the last four foregoing Rules was applied for on insufficient grounds, or if the plaintiff's action fails, or judgment is given against him by default or otherwise, and it appears to the Court that there was no sufficient ground for his bringing the action, the Court may, if it thinks fit, on the application of the defendant, order the plaintiff to pay to the defendant such amount as appears to the Court to be a reasonable compensation to the defendant for the expense and injury occasioned to him by the execution of the order.

(2.) Payment of compensation under this Rule is a bar to any action for damages in respect of anything done in pursuance of the order, and any such action, if begun, shall be stayed by the Court in such manner and on such terms as the Court thinks fit.

179. Where money ordered by the Court to be paid is due for seamen's wages, or is other money recoverable under the Merchant Shipping Act, 1894, or other law relating to ships, and the person ordered to pay is master or owner of a ship, and the money is not paid as ordered, the Court, in addition to other powers for compelling payment, shall have power to direct that the amount unpaid be levied by seizure and sale of that ship.

180. When a judgment or order directs that any account be taken or inquiry made, such account shall be taken and inquiry made by such person as the Court shall direct, and all parties shall have the same power of summoning witnesses, including as witnesses any party in the action, and of examining them on such accounts or inquiries, and of compelling the production of documents, as they would have upon the trial of an action, and all Rules as to summoning, swearing, and examining of witnesses and the production of documents at the trial, shall be applicable (so far as may be) to the summoning, swearing, examining, and production on taking any such accounts or prosecuting any such inquiries.

181. Where an order is issued for making inquiries or taking accounts, the Registrar shall direct all parties entitled to attend at the appointed place for the purpose of proceeding with such inquiries or accounts by summons returnable not less than three days after date; and upon the day appointed and at any adjourned sitting the person appointed shall sit at the time and place appointed and hear all parties interested, or their legal practitioners.

182. Where an order directs accounts to be taken, any book of account in which the accounts required to be taken or any of them have been kept shall, unless the Court shall otherwise direct, be taken as *prima facie* evidence of the truth of the matters therein contained, with liberty to the parties interested to take such objection thereto as they may be advised.

183.—(1.) Where the Registrar or any other person has been ordered to certify to the Court on any matter he shall present to the Court a certificate in writing signed by him; such certificate shall be prepared seven days before the day appointed for pre-

senting the same, and the Registrar shall give notice to all parties to the action that the certificate lies in his office for the inspection of any parties interested therein or affected thereby; and he shall deliver a copy thereof to any person requiring the same upon payment of the costs of such copy at the rate of sixpence per folio of seventy-two words.

(2.) Where any person interested in or affected by the certificate of the Registrar or person appointed under Rule 180 desires to have the same varied, he shall apply to the Court on the day appointed for presenting the certificate, and the Court shall thereupon hear and determine such application, and shall confirm or vary the certificate, and make such further order thereupon as it may think fit.

(3.) If no application shall be made to vary the certificate it shall be confirmed by the Court, unless the Court thinks fit to otherwise order.

184. Where the Registrar, Marshal, or any other person, has by any order been directed to do any act, and it may be found necessary to have further directions or an order of the Court for carrying the same into effect, he may apply to the Court for such direction or order, and thereupon the Court may give such directions or make such order as it may think fit, or may appoint a time to hear all parties, and if the Court shall make such appointment for hearing, it shall operate as a stay of proceedings in the action until the day so appointed, if the Court shall so direct.

#### *Enforcement of Judgments and Orders*

185. When a person against whom a warrant of arrest is issued cannot be found, or being in custody, refuses or neglects to comply with the order made against him, a warrant of sequestration may be issued against his goods on the application of the other party.

186. When a defendant has made default in payment of the amount awarded by the judgment or of any instalment thereof, a warrant of execution may issue without leave of the Court for the whole amount of the judgment and costs then remaining unsatisfied, unless, in the case of instalments, the Court shall otherwise specially direct.

187. The Registrar shall indorse on every warrant of execution the amount to be levied, distinguishing the amount adjudged to be paid and the amount of the fee for issuing the warrant, and shall prepare and deliver to the Marshal a notice in the proper form, and the Marshal, when he levies, shall deliver such notice to the party against whom the execution has been issued or leave it at the place when the execution is levied.

188. Every warrant of execution against the goods shall bear date on the day on which it was issued and shall continue in force for twelve calendar months from such date and no longer.

*Extension of Judgment.*

189.—(1.) Where a judgment has been obtained for any debt, damages or costs the Court, after the expiration of the time limited for appealing against such judgment or if, on appeal, the judgment is not reversed or execution is not stayed, may, on the application of the judgment creditor and upon proof that the judgment has not been satisfied, grant a certificate under the official seal of the validity of the judgment.

(2.) On the production of the certificate to any other Court established under the Principal Order it shall be registered in that Court, and all reasonable costs and charges attendant upon such registration shall be added to and recovered in like manner as if they were part of the original judgment.

(3.) When a certificate has been registered in a Court under this rule, proceedings may be taken in execution or by judgment summons in like manner as if the judgment had been obtained in that Court.

(4.) On proof of the setting aside or satisfaction of a judgment of which a certificate has been registered the Court in which the certificate has been registered may order the registration to be cancelled.

*Summons to Judgment Debtor.*

190.—(1.) Where an order ordering payment of money remains wholly or in part unsatisfied, whether an execution order has been made or not, the person prosecuting the order (in these Rules called the judgment creditor) may apply to the Court for a summons ordering a person by whom payment is to be made (in this Order called the judgment debtor) to appear and be examined respecting his ability to make the payment; and the Court shall, unless it sees good reason to the contrary, grant a summons accordingly.

(2.) Every judgment summons under this Rule shall be issued and be served personally five clear days at least before the day on which the judgment debtor is required to appear, except in the case provided for by section (3) of this Rule.

(3.) Where the applicant shall state to the Registrar that the judgment debtor is about to remove from his dwelling or place of business, or is keeping out of the way to avoid service, then the judgment summons may be issued and served at any time before the hearing. But the Court shall not act upon a summons issued under this Rule unless at the hearing it is satisfied by evidence on oath that at the time of the application the facts were as stated by the applicant.

(4.) A judgment summons may issue without leave of the Court, except where the judgment is more than six years old.

(5.) The hearing of a judgment summons may be adjourned from time to time.

(6.) Upon the issue of a judgment summons against a party, the Marshal shall return into Court any warrant of execution

against the goods of such party which may have been issued in the action.

(7.) Any witness may be summoned to prove the means of a judgment debtor in the same manner as witnesses are summoned to give evidence at a trial.

191.—(1.) On the appearance of the judgment debtor, he may be examined on oath by or on behalf of the judgment creditor and by the Court respecting his ability to pay the money ordered to be paid, and for discovery of property applicable thereto, and respecting his disposal of any property.

(2.) He shall produce, on oath or otherwise, all books, papers and documents in his possession or power relating to any property applicable to payment.

(3.) Whether the judgment debtor appears or not, the judgment creditor and any witness whom the Court thinks requisite may be examined on oath or otherwise, respecting the same matters.

(4.) The Court may, if it thinks fit, adjourn the examination from time to time and require from the judgment debtor such security for his appearance as the Court thinks fit; and, in default of his finding security, may, by order, commit him to the custody of an officer of the Court, there to remain until the adjourned hearing unless sooner discharged.

192. If it appears to the Court, by the examination of the judgment debtor or other evidence, that the judgment debtor then has sufficient means to pay the money directed to be paid by him, and he refuses or neglects to pay the same according to the order, then and in any such case the Court may, if it thinks fit, by order, commit him to prison for any time not exceeding forty days.

193. On the examination, the Court, if it thinks fit, whether it makes an order for commitment or not, may rescind or alter any order for the payment of money by instalments or otherwise, and may make any further or other order, either for the payment of the whole amount forthwith, or by instalments, or in any other manner, as the Court thinks fit.

194. When on the return day of a judgment summons the judgment debtor shall satisfy the Court that he has been adjudicated a bankrupt and that the debt was provable in the bankruptcy, or that, in respect of the debts, resolutions have been duly registered under any bankruptcy law for the time being in force, no order of commitment shall be made.

Where, after commitment, the judgment debtor shall file in Court an affidavit to the same effect and at the same time give notice to the judgment creditor of the filing of the affidavit, the order of commitment shall not issue or, if issued, shall be recalled.

195.—(1.) An order of commitment of a judgment debtor shall bear date on the day on which it was made, and shall continue in force from one year from such date and no longer, unless the Court thinks fit to enlarge the time by an extension indorsed on the order of commitment.

(2.) When an order of commitment for non-payment of money is issued, the defendant may—

(a.) Before being delivered into the custody of the gaoler pay to the Marshal the amount indorsed on the order, on receipt of which the Marshal shall discharge the defendant, and shall, within twenty-four hours, pay over to such person as the Court may from time to time appoint the amount received; or

(b.) After being delivered into the custody of the gaoler, pay the amount indorsed on the order of commitment into Court or to the gaoler in whose custody he is. When the money is paid into Court, the Registrar shall sign and seal a certificate of payment, upon receipt of which the gaoler shall forthwith discharge the judgment debtor; when it is paid to the gaoler he shall sign a certificate of payment, and forthwith discharge the judgment debtor, and shall pay over the amount so received to the proper officer within twenty-four hours.

196. If a judgment debtor appears on the return day of a judgment summons but the judgment creditor fails to appear, the Court may award costs to the judgment debtor.

197.—(1.) The expenses of the judgment debtor's maintenance in prison shall be defrayed in the first instance by the judgment creditor, and may be recovered by him from the judgment debtor, as the Court directs.

(2.) The expenses shall be estimated by the Court, and shall be paid by the judgment creditor at such times and in such manner as the Court directs.

(3.) In default of payment the judgment debtor may be discharged, if the Court thinks fit.

198. Imprisonment of a judgment debtor under the foregoing provisions does not operate as a satisfaction or extinguishment of the debt or liability to which the order relates, or protect the debtor from being anew imprisoned for any new default making him liable to be imprisoned, or deprive the judgment creditor of any right to have execution against his goods as if there had not been such imprisonment.

199. The judgment debtor, on paying at any time the amount ordered to be paid and all costs and expenses, shall be discharged.

200. All costs incurred by a plaintiff in endeavouring to procure or enforce an order or judgment shall be deemed to be due in pursuance of such order or judgment, unless the Court shall otherwise order.

201. No warrant against the goods or judgment summons shall issue on a judgment more than six years old, unless some payment has been made by the judgment debtor into Court within twelve calendar months previously, or unless by leave of the Court; but no notice need be given to the debtor before applying for such leave, and such leave shall be expressed on the warrant or judgment summons under the seal of the Court.

202.—(1.) Ordinarily, an order of a Provincial Court shall not



be enforced out of the Consular district of the Consular officer making the order.

(2.) Where, however, a Provincial Court thinks that the urgency or other peculiar circumstances of the case so require, that Court may, for reasons recorded in the Minutes, order that any particular order be enforced out of the particular district.

### *Interpleader.*

203. Where a person seeking relief is under liability for any debt, money, goods or chattels, for or in respect of which he is or expects to be sued by two or more parties making adverse claims thereto, he may apply for an interpleader summons calling on the claimants to appear and state the nature and particulars of their claims and either maintain or relinquish them.

Before issuing the summons the Court must be satisfied by affidavit or otherwise—

- (a.) that the applicant claims no interest in the subject-matter in dispute other than for charges and costs ;
- (b.) that the applicant does not collude with any of the claimants ;
- (c.) that the applicant is willing to pay or transfer the subject-matter into Court or dispose of it as the Court may direct.

On the return day of the summons, whether the claimants appear or not, the Court may direct in what manner the dispute between the claimants shall be tried, and shall proceed to or adjourn the trial as may seem most expedient.

If the original applicant is the defendant in an action which has already been commenced, the Court may stay all future proceeding in such action.

204. Where any claim is made to or in respect of anything taken in execution under the process of the Court or in respect of the proceeds or value thereof, the Marshal shall apply to the Court for an interpleader summons, and the Registrar shall issue such summons without leave of the Court.

The case shall then proceed as if the claimant were the plaintiff and the execution creditor the defendant.

205. Two clear days before the return day of the summons under the preceding Rule the claimant shall deliver to the Marshal or leave at the office of the Registrar particulars of the goods or chattels he alleges to be his property and the ground of his claim, or, in case of a claim for rent, of the amount of such rent, and for what period and in respect of what premises the rent is claimed to be due, and the name, address, and description of the claimant shall be fully set out in such particulars, and any money paid into Court under the execution shall be retained by the Registrar until the claim has been adjudicated upon ; but by order of the Court or with the consent of all parties an interpleader

claim may be tried although this Rule has not been complied with.

206. Where a claimant to goods taken in execution claims damages from the execution creditor or from the Marshal for or in respect of the seizure of the goods, he shall, in the particulars of his claim, state the amount he claims for damages, and the ground upon which he claims such damages. And where he claims damages from the Marshal arising out of the execution of any process, he shall, three clear days before the return day, deliver to the Marshal a notice of his claim stating the grounds for and the amount of such claim.

207. Where a claim for damages is made against the Marshal and execution creditor, or either of them, they or either of them may pay into Court an amount in full satisfaction of such claim, and such payment into Court shall be made in the same manner, and have the same effect, and the parties respectively shall have the same rights and remedies as they would have by the practice of the Court if the proceedings had been an action in which the claimant was plaintiff and the Marshal and judgment creditor were defendants.

208. Where the claim under any interpleader summons shall be decided against the claimant, the costs of the Marshal allowed by the Court shall be retained by the Marshal out of the amount levied, unless the Court shall otherwise order, but without prejudice to the right of the execution creditor against the claimant for the sum so retained.

209. An interpleader summons shall be served in the same time and mode as has been directed for the service of a summons in an action.

210. Where the defendant in an action brought by the assignee of a debt or chose in action has had notice that the assignment is disputed by the assignor or any one claiming under him, or has had notice of any other opposing or conflicting claim to such debt or chose in action, he may, within five days after service of the summons, apply to the Registrar for a summons against the assignor, or the person making such conflicting claim, and the Registrar shall thereupon issue an interpleader summons, returnable as soon as conveniently may be, and upon the return day the Court shall hear the case of the defendant and of the plaintiff in the action, and also of the assignor disputing such assignment, or of the person making such opposing or conflicting claim, and shall give such judgment therein as shall finally determine the rights and claims of all parties as if the same had been an ordinary action into which a third party had been introduced by counterclaim.

211. Where the defendant in an action brought by the assignee of a debt or chose in action has had notice as in the last preceding Rule mentioned, and thinks fit to pay the debt and costs into Court to abide its decision, he shall, upon such payment into Court, give to the Registrar the name of the person against

whose dispute of the assignment or conflicting claim he desires to be protected, and the Registrar shall thereupon give notice to such person, and on the return day the Court shall determine the rights of the parties, and may, if it thinks fit, order the defendant to pay all or any part of the costs.

### *Arbitration.*

212.—(1.) Unless the submission otherwise provides, the reference shall be to a single Arbitrator.

(2.) If the reference is to two Arbitrators, the two Arbitrators may appoint an Umpire at any time within the period during which they have power to make an award.

(3.) When the parties do not concur in the appointment of a single Arbitrator, or when one party makes default in appointing one of two Arbitrators, or when an Arbitrator or Umpire refuses to act or becomes incapable of acting or dies, any party may serve the other parties or the Arbitrators (as the case may be) with notice to make such appointment or supply such vacancy, and if the appointment is not made within seven clear days after the service of the notice, the Court may, on application by the party who gave the notice, appoint an Arbitrator or Umpire, who shall act in like manner as if he had been appointed by consent of all parties.

(4.) The parties to the reference, and all persons claiming under them, shall, subject to any legal objection, submit to be examined by the Arbitrators or Umpire in relation to the matters in dispute, and shall, subject as aforesaid, produce all such books, papers, and other documents as may be required of them.

213.—(1.) The Arbitrators shall make their award within three months after entering on the reference or being called on to act by a notice in writing, unless the order for reference contains a different limit of time.

(2.) The Court may, if it thinks fit, on application, enlarge the time for making an award, the reasons for enlargement being on each occasion entered in the Minutes.

(3.) If the Arbitrators have allowed their time to expire without making an award or cannot agree, an Umpire may enter on the reference in lieu of the Arbitrators.

(4.) The Umpire shall make his award within one month after the expiration of the time fixed for the making of award at the time when he entered on the reference. The award shall be in writing, signed by the Arbitrators or Umpire making it.

(5.) It shall contain a conclusive finding, and not find on the contingency of any matter of facts afterwards substantiated or deposed to.

(6.) It shall comprehend a finding on each of the several matters referred.

(7.) The award shall be final and binding on the parties and the persons claiming through them respectively.

214.—(1.) Where it appears to the Arbitrators or Umpire that any difficult question of law is involved in or raised by the facts as finally ascertained by them or him, they or he may, if it seems to them or him fit, state the award as to the whole or any part thereof in the form of a case for the opinion of the Court.

(2.) The Court shall consider and deliver judgment on the case as with any other special case.

215.—(1.) The Arbitrators or Umpire shall have power to award the costs of the reference in the whole or in part.

(2.) But an award respecting costs shall not preclude a party against whom costs are awarded from applying to the Court to tax the costs, and on that application the costs, including the remuneration (if any) of the Arbitrators and Umpire or any of them, shall be taxed at a reasonable rate by the Court, and the Court shall make such order respecting the costs of taxation as the Court thinks fit.

216.—(1.) The Arbitrators or Umpire making an award shall, within the time limited, deposit the award in the proper office of the Court inclosed in a sealed cover and indorsed with the names of the parties to the reference and with a note of the amount claimed by the Arbitrators and Umpire for remuneration.

(2.) Notice of the award having been deposited shall be served by the Court on the parties, who shall be at liberty to read the award and to have copies of it.

(3.) Any person interested may, within fourteen days after notice of the award, apply to the Court to prevent the execution of the award or of any specified part of it.

(4.) In default of any such application the award shall be entered as the judgment in the cause, and shall be as binding and effectual to all intents as if given by the Court, and execution may issue and all things be done thereupon as upon a judgment of the Court.

217. The Court may at any time remit the matters referred or any of them to the reconsideration and redetermination of the Arbitrators or Umpire, or may, in case of the Arbitrators refusing or neglecting to act, or with the consent of both parties, revoke the reference, or order another reference to be made in the same manner on such terms as to costs and other matters as the Court thinks fit.

218. The Court shall not refuse to execute an award merely on the ground of irregularity in the submission or during the reference, where the irregularity has not been substantially prejudicial to any party objecting.

#### *Attachment of Debts.*

219. Where a plaintiff is desirous that the defendant shall be orally examined after judgment has been given against him as to what debts are due and owing or accruing to him, the plaintiff shall, before such examination, give the Registrar a statement

in writing of the name, address, and description of the person or persons within the jurisdiction of the Court whom he considers to be indebted to the defendant.

220. When such a statement has been lodged, the defendant, after judgment has been given against him, may be examined before the Court as to any debts due, owing, or accruing to him from any persons mentioned in the statement, and if any such person be then present, he may be required forthwith, if he admits the debt, to show cause why he should not be ordered to pay into Court for the benefit of the judgment creditor the amount of such debt or such portion of it as will satisfy the judgment debt, and the Court may make an order for the payment of such debt or such portion as will satisfy the judgment debt, and such order may be enforced in the same manner as any other order of the Court, and when such person pays the money so ordered he shall not be liable for any costs. A receipt shall be given for the same to the person paying the same, which shall be a sufficient discharge and acquittance for such amount as between the person paying and the judgment debtor.

221. A plaintiff who has not previously lodged such a statement as required by Rule 219, and who has obtained a judgment or order for the recovery and payment of money, or a defendant who has obtained such judgment against the plaintiff, may at any time lodge with the Registrar an affidavit that the judgment or order is unsatisfied, and that a third person (hereafter alluded to as the garnishee) is indebted to the judgment debtor, and is within the jurisdiction of the Court as regards such debt, and the Registrar shall thereupon issue a summons to the garnishee at the suit of the judgment creditor for the amount due by the garnishee to the judgment debtor or such portion of it as may be sufficient to satisfy the judgment or order.

222. The summons shall be personally served on the garnishee, and shall have the effect of preventing his parting with or disposing of any debt due, owing, or accruing from him to the judgment debtor.

223. Where the garnishee shall pay into Court three clear days before the return day of the summons the amount due from him to the judgment debtor or an amount equal to the judgment or order, he shall not be liable for any costs.

224. Upon the return day of the summons the Court shall determine as to the liability of the garnishee and as to the party by whom the costs of the proceedings shall be paid, and make an order in accordance with such decision.

#### *Appeal to Supreme Court.*

225. Where an application for leave to appeal is made in a Provincial Court or in the Supreme Court it shall be made by motion in open Court, and if leave is given the appellant shall file his motion-paper of appeal in the Provincial Court within

seven days after leave given by the Provincial Court, and within fourteen days after leave given by the Supreme Court, as the case may be.

226.—(1.) An appeal to the Supreme Court shall not lie from an order of a Provincial Court made on the application of one party without notice to the other party.

(2.) But, if any person thinks himself aggrieved by such an order, he may, on notice to the other party, apply to the Provincial Court to vary or discharge the order, and an appeal shall lie from the decision on that application.

227.—(1.) The appellant shall give security to the satisfaction of the Provincial Court to an amount not exceeding 50*l.* for prosecution of the appeal, and for payment of any costs that may be ordered by the Supreme Court on the appeal to be paid by the appellant to any person ;

(2.) The appellant shall pay to the Provincial Court such sum as the Provincial Court thinks reasonable to defray the expense of the making up and transmission of the record to the Supreme Court.

228.—(1.) After three months from the date of a decision of the Provincial Court an appeal against it shall not lie except by leave of the Supreme Court.

(2.) After six months from the date of a decision of the Provincial Court application for leave to appeal against it shall not be entertained by the Supreme Court.

229.—(1.) Where a person ordered to pay money or to do any other thing appeals, the Provincial Court shall direct either that the decision appealed from be carried into execution or that the execution thereof be suspended pending the appeal, as that Court thinks fit.

(2.) If the Provincial Court directs the decision to be carried into execution, the person in whose favour it is given shall, before the execution of it, give security to the satisfaction of the Court for performance of any order to be made on appeal.

(3.) If the Provincial Court directs the execution of the decision to be suspended, the person against whom it is given shall, before an order for suspension is made, give security to the satisfaction of the Provincial Court for performance of such order as shall be made on appeal.

230.—(1.) In every appeal the appellant shall file an appeal motion-paper in the Provincial Court.

(2.) He may at the same time file any argument which he desires to submit to the Supreme Court in support of the appeal.

(3.) Copies of the motion-paper and the argument (if any) shall be served on such persons as respondents as the Provincial Court directs.

231.—(1.) A respondent may, within fourteen days after service of the motion-paper, file in the Provincial Court a motion-paper of cross-appeal and such argument as he desires to submit to the Supreme Court on the appeal and cross-appeal, if any.

(2.) Copies thereof shall be furnished by the Provincial Court to such persons as that Court thinks fit.

232.—(1.) On the expiration of the prescribed time last referred to the Provincial Court shall, without the application of any party, make up the record of appeal, which shall consist of the writ of summons, particulars, statements of claim and defence (if any), orders, and proceedings, all written and documentary evidence admitted or tendered or a certified copy thereof, and the notes of the oral evidence, the appeal and cross-appeal motion-paper, and the arguments (if any).

(2.) The several pieces shall be fastened together, consecutively numbered; and the whole shall be secured by the seal of the Court, and be forthwith forwarded by it to the Supreme Court.

(3.) The Provincial Court shall not, except for some special cause, take on itself the responsibility of the charge or of the transmission to the Supreme Court of original letters or documents produced in evidence. They shall be returned to the parties producing them; and those parties shall produce the originals, if required by the Supreme Court, at or before the hearing of the appeal.

233.—(1.) After the record of appeal is transmitted, until the appeal is disposed of, the Supreme Court shall be in exclusive possession of the whole action as between the parties to the appeal.

(2.) Every application in the action, as between the parties to the appeal, shall be made to the Supreme Court and not to the Provincial Court; but any application may be made through the Provincial Court.

234.—(1.) The Supreme Court shall, after receiving the record of appeal, fix a day for the hearing of the appeal, and shall give notice thereof through the Provincial Court to the parties to the appeal, such a day being fixed as will allow of the parties attending in person or by a legal practitioner, if they so desire.

(2.) But if all the separate parties to an appeal appear in person before the Supreme Court, or appoint persons there to represent them as their legal practitioners in the appeal, and cause the appearance or appointment to be notified to the Supreme Court, the Supreme Court may dispose of the appeal without being required to give notice through the Provincial Court to the parties to the appeal of the day fixed for the hearing thereof.

235. The Supreme Court may, if it thinks fit, require a party to an appeal to appear personally before it on the hearing of the appeal or on any occasion pending the appeal.

236. It is not open, as of right, to a party to an appeal to adduce new evidence in support of his original case, but a party may allege any material facts that have come to his knowledge after the decision of the Provincial Court, and the Supreme Court may in any case, if it thinks fit, allow or require new evidence to be adduced.

237.—(1.) The Supreme Court may make any orders necessary for determining the real question in controversy in the action as

among the parties to the appeal, and for that purpose may amend any defect or error in the record of appeal, and may enlarge the time for any proceeding except as otherwise by this Order expressly provided.

(2.) The Supreme Court may direct the Provincial Court to inquire into and certify its finding on any question as between the parties to the appeal or any of them, which the Supreme Court thinks fit to determine before final judgment is given in the appeal.

(3.) Generally, the Supreme Court shall, as among the parties to the appeal, have as full jurisdiction over the whole action as if it had been originally instituted and prosecuted in the Supreme Court by parties subject to the original jurisdiction of the Supreme Court.

(4.) The Supreme Court may, if it thinks fit, remit the action to the Provincial Court to be re-heard or to be otherwise dealt with as the Supreme Court directs.

(5.) The powers of the Supreme Court may be exercised notwithstanding that the appeal is brought against part only of the decision of the Provincial Court.

(6.) Those powers may be exercised in favour of all or any of the parties to the action, although they have not appealed from or complained of the decision.

#### *Re-hearing in Supreme Court.*

238. Where a final order has been made, an application for a re-hearing in the Supreme Court shall be made within fourteen days after the making of the final order.

#### *Security.*

239.—(1.) In all cases where a party proposes to give a bond by way of security, he shall serve on the opposite party and on the Registrar at his office notice of the proposed sureties in the proper form; and the Registrar shall forthwith give notice to both parties of the day and hour on which he proposes that the bond should be executed, and shall state in the notice to the person in whose favour the security is given that he must at that time be prepared to make any valid objection he may have to the sureties or either of them.

(2.) The sureties shall make an affidavit of their sufficiency whenever the opposite party shall give notice that the same is required.

(3.) The bond shall be executed in the presence of the Court or of the Registrar, and shall be deposited with the Registrar until the cause is finally disposed of.

(4.) No officer of the Court shall, under any circumstances, become surety in any case where by the practice of the Court security is required.

240. Where a party makes a deposit of money in lieu of giving



a bond, he shall forthwith give notice to the opposite party of such a deposit having been made.

241. When a foreign plaintiff has made a deposit or given security for costs, he may give notice to the defendant, if successful, to tax costs within a certain time to be named in such notice, being not less than seven clear days after judgment, and if the defendant fail, without good reason, to send in his bill of costs for taxation by the time named in the notice, the deposit shall be returned to the plaintiff or the security cancelled.

But the return or cancellation shall not derogate from the right of the defendant to recover such costs from the plaintiff in such manner as may be open to him.

#### *Costs.*

242.—(1.) All costs shall be taxed by the Registrar subject to revision by the Court.

(2.) On receipt of the bill of costs of the party entitled thereto the Registrar shall fix a day for taxation, and give notice thereof to the parties.

(3.) At the appointed time the Registrar shall proceed to tax the costs according to the Rules and the Schedules of costs, setting down in the column reserved for that purpose against each item the amount (if any) which he disallows. At the conclusion of the taxation the disallowance column is to be added up, and the sum deducted from the original amount of the bill; the difference so obtained is the sum at which the bill is taxed. The Registrar shall make a Memorandum at the foot of the bill as follows:—

“Taxed at

“A. B.,  
“Registrar.”

(4.) All bills of costs are to be dated and entitled in the action to which they refer, and are to be distinguished as “plaintiff’s costs” or “defendant’s costs,” as the case may be. They must be ruled on the right-hand side with double money columns, only one of which is to be filled up, the other being reserved for the entry by the Registrar of his disallowance.

243. The costs of witnesses, whether they have been examined or not, may be allowed though they have not been summoned, unless the Court otherwise orders. In such cases the Court shall give special directions as to the amounts to be allowed.

244. Money paid into Court on a judgment shall be appropriated first in satisfaction of the Court fees and costs, and afterwards in satisfaction of the original demand.

245.—(1.) Costs of warrants against the goods, whether executed or unexecuted or unproductive, shall be allowed against the party against whose goods the warrant is issued, unless the Court shall otherwise direct.

(2.) On the hearing of a judgment summons, where a warrant

against the goods has been issued, the costs of such warrant shall not be allowed against the judgment debtor unless the Court is satisfied that there was a reasonable cause for issuing the warrant.

246. The costs of a judgment summons shall not be allowed against the judgment debtor unless some order shall have been made thereon; but where an order is made on a judgment summons the Court may, in its discretion, allow the costs against the judgment debtor of any previous judgment summonses which have not been served through the judgment debtor having evaded service.

247. Costs of warrants of commitment, whether executed or unexecuted, shall be allowed against the defendant, unless the Court shall otherwise order.

248. No possession fee shall be payable where an execution is paid out at the time of the levy; but if the officer shall necessarily remain in possession more than half-an-hour and the execution shall be paid out on the day of levy, the possession fee for that day shall be charged.

249. No appraisalment is to be made until the fifth day of the Marshal holding possession of the goods under an execution unless where the goods are of a perishable nature, or are sold at the request of the party before the expiration of four days, or unless the goods are removed.

#### *Practice.*

250. Where any party changes his legal practitioner he shall give notice in writing of such change to the Registrar, stating the name and place of business of the new legal practitioner, and the Registrar shall file the notice.

251. Copies of all proceedings or documents to be prepared by the Registrar shall be prepared by him for any party requiring the same upon prepayment of the costs of such copies.

252. A folio is to comprise seventy-two words; every figure or uninterrupted group of figures being counted as one word.

253. Where a party acts by a legal practitioner, service of any proceeding or document upon such legal practitioner, or delivery of the same at his office, shall be deemed to be good service upon the party for whom the legal practitioner acts except in cases where personal service is required.

254. Where a party or his legal practitioner undertakes a service of any process, he shall make the necessary copies of such process and deliver them to the Registrar with the amount of the fees payable thereon, and the Registrar shall seal the process and return them to the legal practitioner for service.

255. Any notice relating to any interlocutory proceedings may, by leave of the Registrar, be served by the party or his legal practitioner requiring to effect such service, but the costs of such service and the proof thereof shall not be allowed except by the order of the Court.

256. Where any action is adjourned no order of adjournment shall be served on either party unless by direction of the Court.

257. Where it appears to the Court that, from the course of proceedings in any action, the trial cannot be held on the return day of the summons, the Court may postpone the trial until such other day as the state of the proceeding requires, and give notice of such postponement to all parties and persons interested.

258. Where any particulars or other documents are directed to be filed they shall be filed with the Registrar, together with as many copies thereof as there are parties to be served, and the names, addresses, and description of such parties, and an additional copy for the use of the Court if required.

259. Before any summons, notice, or other document, or any copy thereof shall be issued by the Registrar, the fees shall be fully paid by the party requiring the same, and the document shall be sealed with the seal of the Court.

260. In all cases where anything is required by the rules of practice to be done within a period of twenty-four hours, or within a period of forty-eight hours, no part of Sunday or any day on which the offices of the Court shall be lawfully closed shall be included in the computation of such period.

#### *Detinue.*

261. The judgment in detinue, if for the plaintiff, shall be for the value of the goods detained together with the sum to be stated in the judgment by way of damages for the detention and costs, but it may be made part of the order that, on the payment of damages for the detention and costs and return of the goods on or before a date to be named, satisfaction shall be entered.

262. Where it is sought to enforce a judgment or order for the recovery of any property other than land or money the Court may, upon the application of the plaintiff, order that a warrant of delivery shall issue for the delivery of the property, and that if the property cannot be found the Marshal shall distrain the defendant of all his goods and chattels within the jurisdiction of the Court till the defendant deliver the property, or, at the plaintiff's option, that the Marshal shall cause to be made of the defendant's goods the assessed value (if any) of the property.

#### *Special Case.*

263. The parties to an action may, at any time after the summons has been issued, agree in stating any questions of law in the form of a special case for the opinion of the Court, and may agree in writing that on the judgment of the Court being given in the affirmative or negative of the questions of law raised, a sum of money, agreed upon by the parties or to be ascertained in such manner as the Court may direct, shall be paid by one of the parties to the other of them either with or without costs, and the judgment of the Court may, on the decision of the

special case, be entered for the sum so agreed or ascertained, with or without costs, as the case may be, and execution may issue thereupon.

264. If the action is in a Provincial Court, the parties may by Agreement state the question in the form of a special case for the opinion of the Supreme Court, and Rule 263 shall apply.

265. When during the hearing of any case a difficulty in point of law arises which a Provincial Court deems expedient to refer to the Supreme Court the Provincial Court is to decide upon the facts and enter its verdict thereon subject to a special case to be determined by the Supreme Court.

266.—(1.) When the parties are represented by legal practitioners, the case should be drawn by the legal adviser of the plaintiff, and settled by the legal adviser of the defendant, and if any difference arises between them as to the form of the case the Court will finally settle it.

(2.) If the plaintiff and defendant are unrepresented, and from any reason are unable to draw a case, the Court will do so in consultation with the parties.

(3.) Every special case shall be divided into paragraphs numbered consecutively, and shall concisely state such facts and documents as may be necessary to enable the Court to decide the questions raised thereby, and shall be signed by the parties. The argument of the case shall be subject to the Rules on that behalf for the time being in force in the Supreme Court.

267. If either party refuses to proceed with the settlement of the special case, the party desirous of proceeding shall prepare the case and serve a copy of it on the other side, and if he refuses or neglects to proceed with the settlement of it within seven days, a summons may be taken out by the proceeding party calling on the other party to show cause why the Court shall not settle the case. On the return day of the summons the Court shall settle the case whether the opposite party be present or not.

268. When a special case for the opinion of the Supreme Court is ready, the Provincial Court shall, on receipt of the legal fees, forward it under cover to the Registrar of the Supreme Court together with all documents alluded to in the case, and the Supreme Court will, upon receipt of the case, fix a day for the argument and give notice thereof to the Provincial Court, and thereupon that Court shall take all requisite steps to acquaint the parties.

The Provincial Court may, if it considers it necessary to do so, before forwarding the case to the Registrar of the Supreme Court, cause either or both parties to enter into recognizances to abide the decision of the Supreme Court and to pay all costs arising out of the special case.

#### *Bankruptcy Proceedings.*

269. Proceedings in bankruptcy subsequent to an act of bankruptcy are originated by a bankruptcy petition presented either

by a creditor or by the debtor under the provisions of the Bankruptcy Acts, 1883 and 1890.

270.—(1.) On the hearing of a bankruptcy petition the Court may make a receiving order and appoint a Receiver of the property of the debtor.

(2.) The Receiver, unless he is an officer of the Court, shall give such security as the Court may direct.

(3.) Save as provided by these Rules the Receiver shall exercise the power and perform the duties of an Official Receiver under the Bankruptcy Acts, 1883 and 1890. He may be removed by the Court.

(4.) In the case of the death, incapacity, or removal of a Receiver the Court shall appoint another Receiver in his place.

(5.) The remuneration of the Receiver shall be fixed at the first meeting of creditors, and shall be approved by the Court. If it is not so fixed or if it appears to be inadequate, the Court may, on the application of the Receiver, fix his remuneration.

271. The powers of an Official Receiver with respect to the appointment of a Special Manager under section 12 of the Bankruptcy Act, 1883, shall be exercised by the Court, and any Special Manager may be removed by the Court.

272.—(1.) The appointment by the creditors of a Trustee under section 21 of the Bankruptcy Act, 1883, shall be subject to the approval of the Court, and if the Trustee is so approved he shall give security to the satisfaction of the Court.

(2.) The Receiver may be appointed Trustee.

(3.) The Court may disapprove the appointment on any ground on which the Board of Trade may object to the appointment of a Trustee under section 21 (2) of the Bankruptcy Act, 1883.

(4.) The Trustee shall furnish to the Court such a report with respect to the bankrupt's conduct and affairs as is required to be made by the Official Receiver under section 8 (2) of the Bankruptcy Act, 1890. The report shall be filed in the Registry, and shall be considered by the Court at the hearing of the bankrupt's application for discharge.

(5.) If a vacancy occurs in the office of Trustee, the Court may appoint a fit person, who may be an officer of the Court, to act as Receiver and Manager until another Trustee is appointed. The person so appointed shall forthwith call a meeting of creditors for the purpose of filling the vacancy.

273. Save as provided in these Rules it shall be the duty of the Receiver or Trustee, as the case may be, to perform the duties of the Official Receiver under sections 69 and 70 of the Bankruptcy Act, 1883.

274.—(1.) The powers of the Board of Trade or of the Court on the application or representation of the Board of Trade shall in China and Corea be exercised by the Court itself.

(2.) Any notice required under the Bankruptcy Acts or Rules to be published in the "London Gazette" shall be deemed to be duly

published if it is published in such manner as the Court may direct in China or Corea, Hong Kong, the United Kingdom, or elsewhere.

*Probate and Administration.*

275. Probate may be granted to the executors of any person having property within the jurisdiction of the Court who shall die leaving a will.

276. Letters of administration may be granted to the next-of-kin being of the age of 21 years of any person having property within the jurisdiction of the Court, or, failing the next-of-kin or if the next-of-kin shall not appear on citation, then to the Registrar or some other person to be appointed by the Court.

277. Letters of administration with will annexed may be granted in the case of persons who shall die leaving a will in which no executor is named resident within the jurisdiction of the Court, or where the executors shall not appear on citation, or shall renounce or from any legal disability are not competent to take out probate.

278. When administration with will annexed is granted, full power is to be reserved to revoke the administration and grant probate to any executor who shall appear and demand it.

279. All probates and administrations must be limited to property of the deceased existing within the limits of the Principal Order.

280. As soon as convenient after the death the executor or executors named in the will or the next-of-kin or other person desiring administration may file a petition in the Court, and thereupon the Court shall issue a citation, which may either be posted up in some public place, or advertised in such newspapers in China or Corea or elsewhere as the Court shall think necessary to insure due publicity.

281. If no person appears to the citation, the Court may after the expiration of ten days from the date of publication of the citation if in China or Corea, or if elsewhere then within such reasonable time as the Court shall appoint, proceed to grant probate or administration, as the case may be.

282. If any person appears to the citation, the Court shall fix a day for the consideration of the claims of the several applicants.

283. The Court may, of its own motion or on the application of any person claiming an interest under a will, give notice to the executors (if any) therein named to come in and prove the will or to renounce probate, and they, or some or one of them, shall within fourteen days after notice come in and prove or renounce accordingly.

284. Where in a Provincial Court a dispute or question arises in relation to the grant or the application for it, or it appears to the Court doubtful whether or not the grant should be made, the Court shall communicate with the Supreme Court.

The Supreme Court shall either direct the proceedings of the Provincial Court in the matter, or shall by order remove the matter to the Supreme Court.

285. Before any administration is granted the person to whom it is to be committed shall enter into a bond, with or without sureties, in double the amount of the sworn gross value of the estate, unless the Court shall think fit for any reason to diminish the amount. The bond shall be conditioned to make an inventory of the property of the deceased, to exhibit such inventory in the Court, to well and truly administer the estate, and to make an account of the administration when required to do so; such bond is to be deposited with the Court.

286. The Court, on granting letters of administration, may fix a certain time for the administrator to pass his accounts.

287. The Court may, in its discretion, allow to any executor or administrator such a commission, not exceeding in the whole 5 per cent. calculated on the assets, as may be a reasonable compensation for his loss of time and trouble, but no allowance shall, under any circumstances, be made to any executor or administrator who shall neglect to file his accounts or to perform any other duty attaching to his office as such executor or administrator within the time fixed by the Court.

288. In the event of any executor or administrator neglecting to file his accounts or to perform any duty within the time fixed by the Court, the Court may charge him or them with interest at the current rate on all moneys belonging to the estate then in his or their hands.

289. Where application for probate or administration is, for the first time, made to a Provincial Court after three years from the death of the deceased, a grant shall not be made except under the direction of the Supreme Court.

290.—(1.) A Provincial Court, before proceeding on an application, shall ascertain where the deceased was resident at the time of his death, and whether he was possessed of property within the jurisdiction of the Court, and shall not for this purpose consider itself bound to rest satisfied with the evidence offered by the applicant.

(2.) The Court shall require evidence, in addition to that offered by the applicant, of the identity of the deceased, or of the applicant, where additional evidence in that behalf seems to the Court necessary or desirable.

(3.) The Court shall ascertain the value of the property of the deceased as correctly as circumstances allow.

(4.) In no case shall the Court issue probate or letters of administration until all inquiries which the Court sees fit to institute have been answered to its satisfaction.

(5.) The Court shall, however, afford as great facility for the obtaining of probate or administration as is consistent with due regard to the prevention of error and fraud.

291. In the following cases a grant shall not be made by a

Provincial Court, except under the direction of the Supreme Court, namely:—

(a.) Probate or administration with will annexed, where the will is the will of a married woman;

(b.) Administration for the use or benefit of a minor or infant or of a lunatic;

(c.) Administration (with or without will annexed) of the property of a bastard dying either a bachelor or a spinster, or a widower or widow without issue, or of a person dying without known relative;

(d.) Administration to be granted to a person not resident.

(e.) Probate or administration in the case of a person dying elsewhere than in China or Corea.

(f.) Probate or administration in the case of a person who at the time of his death was not ordinarily resident within the particular jurisdiction.

(g.) Probate or administration limited to specified property of the deceased or for a special period.

292. Revocation or alteration of a grant of probate or administration shall not be made by a Provincial Court except under the immediate direction of the Supreme Court.

293.—(1.) A notice to prohibit a grant of probate or administration may be filed in the Supreme or a Provincial Court.

(2.) Immediately on such a notice being filed in the Supreme Court a copy thereof shall be sent to the Court of the district (if any) in which it is alleged the deceased was resident at his death, and to any other Court to which it appears expedient to send a copy.

(3.) Immediately on such a notice being filed in a Provincial Court that Court shall send a copy thereof to the Supreme Court, and also to the Court of any other district in which it is known or alleged the deceased had at his death a place of abode.

(4.) The notice shall remain in force for three months only from the day of filing, but it may be renewed from time to time.

(5.) The notice shall not affect a grant made on the day on which the notice is filed or on which a copy thereof is received, as the case may be.

(6.) The person filing the notice shall be warned by a warning in writing under the seal of the Court delivered at the place mentioned in the notice as his address.

(7.) After the notice has been filed in, or a copy thereof has been received by a Provincial Court, a grant of probate or administration shall be made only by the Supreme Court.

294.—(1.) A person claiming to be a creditor or legatee, or the next-of-kin, or one of the next-of-kin, of a deceased person may apply for and obtain a summons from the Court requiring the executor or administrator (as the case may be) of the deceased to attend before the Court and show cause why an order should not be made for the administration of the property under the direction of the Court.



(2.) On proof of service of the summons, or on appearance of the executor or administrator, and on proof of all such other things as the Court thinks fit, the Court may make an immediate order for such administration.

(3.) The Court shall have full discretionary power to make or refuse any such order, or to give any special directions respecting the carriage or execution of it, and in the case of applications for such an order by two or more different persons or classes of persons, to grant the same to such one or more of the claimants, or classes of claimants, as the Court thinks fit.

(4.) The carriage of the order may subsequently be given to such person, and on such terms, as the Court thinks fit.

(5.) On making such an order, or at any time afterwards, the Court may make any further or other order for compelling the executor or administrator to bring into Court for safe custody all or any part of the money, or securities, or other property of the deceased from time to time coming to his hands, or otherwise for securing the safe keeping of the property of the deceased or any part thereof.

(6.) If the extreme urgency or other peculiar circumstances of the case appear to the Court so to require (for reasons recorded in the Minutes), the Court may of its own motion issue such a summons, and make such an order or such orders and cause proper proceedings to be taken thereon.

295.—(1.) In the case of apparent intestacy, where the circumstances of the case appear to the Court so to require (for reasons recorded in the Minutes), the Court may, of its own motion, grant administration to an officer of the Court.

(2.) The officer so appointed shall act under the direction of the Court, and shall be indemnified thereby.

(3.) He shall publish such notices as the Court thinks fit, in China, Corea, the United Kingdom, and elsewhere.

(4.) The Court shall require and compel him to file in the Court accounts of his administration at intervals not exceeding three months.

(5.) The accounts shall be in all cases audited by the Supreme Court; for which purpose every Provincial Court shall, during the months of January and July in every year, send to the Supreme Court all accounts so filed in the then last preceding half-year.

(6.) A commission of 5 per cent., or such less amount as the Secretary of State directs, may be charged on an estate administered under this Rule, and the amount thereof shall be calculated and applied as the Secretary of State directs.

(7.) All expenses incurred on behalf of the Court in the execution of this Rule and the said commission shall be the first charge on the property of the deceased in China or Corea, and the Court shall, by sale of part of that property or otherwise, provide for the discharge of those expenses and the payment of the said commission.

296.—(1.) Every original will, of which probate or administration with will annexed is granted, shall be filed and kept in the public office of the Court from which the grant issues, in such manner as to secure at once the due preservation and the convenient inspection of the same.

(2.) No original will shall be delivered out for any purpose without the direction in writing of a Judge of the Supreme Court.

(3.) An office copy of the whole or of any part of a will, or an official certificate of a grant of administration, may be obtained from the Court where the will is proved or the administration granted on payment of the proper fees.

297. During the months of January and July in every year, every Provincial Court shall send to the Supreme Court—

A list of the grants of probate and administration made by the Provincial Court up to the last preceding 31st of December and 30th of June respectively not included in any previous list;

And a copy, certified by the Court to be a correct copy, of every will to which each probate or administration relates.

### *Wills.*

298. Every will or copy of a will to which an executor or administrator with will annexed is sworn shall be marked by the executor or administrator and by the person before whom he is sworn.

299.—(1.) Where the testator was blind or illiterate the Court shall not grant probate or administration with will annexed, unless the Court is first satisfied, by proof or by what appears on the face of the will, that the will was read over to the deceased before its execution, or that he had at that time knowledge of its contents.

(2.) Where in a Provincial Court this information is not forthcoming, the Court shall communicate with the Supreme Court for directions.

300.—(1.) The Court, on being satisfied that the will was duly executed, shall carefully inspect it to see whether there are any interlineations or alterations or erasures or obliterations appearing in it and requiring to be accounted for.

(2.) Interlineations, alterations, erasures, and obliterations are invalid, unless they existed in the will at the time of its execution, or unless, if made afterwards, they have been duly signed and witnessed in the mode required for a will, or unless they have been made valid by the re-execution of the will, or by the subsequent execution of some codicil thereto.

(3.) Where interlineations, alterations, erasures, or obliterations appear in the will unless they are duly signed and witnessed, or recited in or otherwise identified by the attestation clause, an affidavit, in proof of their having existed in the will before its execution, shall be filed.

(4.) If it is not proved at what time an erasure or obliteration

was made, and the words erased or obliterated are not entirely effaced, and can, on inspection of the will, be read, they shall form part of the probate.

(5.) Where words have been erased which might have been of importance, an affidavit shall be required.

(6.) If a Provincial Court has any doubt in regard to any interlineation, alteration, erasure or obliteration, the Court shall communicate with the Supreme Court for directions.

301.—(1.) Where a will contains such a reference to some other paper as to raise a question whether that paper is not a constituent part of the will, the Court shall require the production of the paper with a view to ascertain whether or not it is entitled to probate, and if it is not produced a satisfactory account of its non-production shall be proved.

(2.) A paper cannot form part of a will unless it was in existence at the time when the will was executed.

(3.) If there are vestiges of sealing-wax or wafers or other marks on the will leading to the inference that some paper has been at some time annexed or attached thereto, a satisfactory account of those marks shall be proved, or the production of the paper shall be required; if it is not produced, a satisfactory account of its non-production shall be proved.

(4.) If a Provincial Court is in doubt whether or not a particular paper is entitled to probate as a constituent part of a will, the Court shall communicate with the Supreme Court for directions.

302. The Court shall take care that the copies of wills to be annexed to probates or letters of administration are fairly and properly written, and shall reject any not so written.

303. A British subject may in his lifetime deposit for safe custody in the Court his own will sealed up under his own seal and the seal of the Court.

#### *Intestacy.*

304. When administration is applied for by one or some only of the next-of-kin, there being another or others equally entitled thereto, the Court shall require proof that notice of the application has been given to such other or others.

#### *The Registrar.*

305.—(1.) The Registrar shall keep books in such forms as may be appointed by the Supreme Court; and every entry in such books shall have a number prefixed corresponding with the number of the action or matter to which the entry relates.

(2.) He shall file all relevant documents delivered to him in any action or matter, and shall distinguish them by the number of the action or matter in respect of which they are filed.

(3.) He shall, subject to the directions of the Court, keep Minutes of all proceedings in the Court.

(4.) When, under these Rules, any application is to be made to, or any notice or other document is to be delivered to, filed with, or served on the Registrar, such application, delivery, filing, or service shall be effected by leaving during office hours the application in writing or the document in the Registry, and not otherwise.

306.—(1.) The Registrar of a Provincial Court shall keep a special book for the entry of documents and warrants for service and execution proceeding from the Supreme Court. On the receipt of any such document or warrant he shall enter in his book its number and nature together with the date of its receipt and of its delivery to the Marshal for service or execution; also whether any special instructions have been given by the Supreme Court respecting the service or execution and the nature of such instructions. He shall also enter from time to time in the book what has been done respecting the service or execution as reported to him by the Marshal and the date of its return to the Registrar of the Supreme Court.

(2.) On receipt from the Marshal of the indorsed original he shall forward it to the Registrar of the Supreme Court forthwith together with an extract from the entries in his book respecting it.

#### *The Marshal.*

307. The Marshal is the officer of the Court for serving all such summonses, warrants, notices, or other documents as are required by or under the Principal Order, to be served by an officer of the Court, but the Court may direct service by any other officer or person, and in that case the provisions of these Rules shall apply to service by such other officer or person.

308. The Marshal shall keep books and make Returns to Court in such forms as shall be appointed by the Supreme Court; and every entry in such books shall have a number prefixed corresponding with the number of the action or matter to which it relates.

309.—(1.) The Marshal shall enter in an Order Book all orders for the payment of money or costs or both which he shall have received from the Registrar, and the date on which he shall have caused them to be served.

(2.) The Marshal shall, within twenty-four hours from the receipt of the same, pay over to such person as the Court shall designate any money which he shall have levied or received by virtue of any process issued out of the Court, and the proper officer shall indorse upon the warrant a memorandum of having received the same, and deliver to the Marshal a copy of the memorandum under the seal of the Court, and the Marshal shall file such copy and retain the same in his custody as his voucher.

310. The Marshal shall execute every warrant issued to him as soon as possible, and enter in the proper book every warrant which he has been required to execute with the date and hour

of its delivery to him, and shall state from time to time therein what he shall have done under each warrant, and, if the same is not executed within one month from the day of its delivery to him, why it has not been executed; and shall at all reasonable times give to a suitor, his legal practitioner or agent every information he may reasonably require as to the execution or non-execution of any warrant issued at the instance of such suitor.

311.—(1.) Where any personal property is directed to be sold by auction, detained, or preserved, the Marshal shall, if the Court shall so direct, superintend such sale, detention, or preservation, and where the property is to be sold by private contract he shall carry out the directions of the Court in respect of such sale.

(2.) Where a warrant directs the Marshal to detain and preserve any goods or chattels he shall take and retain possession of them until he receives further orders from the Court concerning them.

(3.) Where a warrant directs the Marshal to take possession of any goods and chattels until good security is given by some party for the safe keeping or for the payment of the value of them in default of safe keeping, but shall not specify the amount of the security, he shall make, or cause to be made, an inventory or appraisal of the goods or chattels which he may take into his possession, and upon receiving as a deposit the amount of the appraisal or sufficient security, to be approved by the Court, for the safe custody and for delivery up of possession, upon request, of the goods and chattels, he may relinquish the possession of them on condition that they shall be redelivered to him or held to abide the order of the Court. If the warrant specifies the amount of the security, no less deposit or security shall be sufficient.

312. In the service of documents and execution of warrants proceeding from the Supreme Court in the district of a Provincial Court these Rules shall be observed, unless any special directions are given by the Supreme Court, in which case such directions are to be strictly followed.

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#### PART IV.—*General.*

313. The fees specified in the First Schedule to these Rules shall be paid.

314. The forms set forth in the Second Schedule to these Rules, or forms to the like effect, shall be used with such variations as circumstances may require.

315. Where in regard to any matter of practice or procedure no provision is made in the Principal Order or these Rules, the practice and procedure of the High Court and other Courts in England in regard to similar matters shall be observed, as far as circumstances admit.

316. The annual reports mentioned in Article 167 of the Principal Order shall be presented to the Supreme Court in the

month of February of each year, and shall be in the form given in the Second Schedule to these Rules.

317. The expenses of a complainant and of witnesses and of juries and of assessors that may be ordered by a Court under Article 52 of the Principal Order shall be according to the scale specified in the First Schedule to these Rules.

318. The report mentioned in Article 47 (2) of the Principal Order shall in every case be sent to the Supreme Court within one month after the passing of the sentence, with a full copy of the Minutes of the trial and of the notes of evidence.

319. The following Rules and Tables of Fees are hereby repealed except as to pending proceedings, that is to say:—

Rules of the Supreme Court of the 4th May, 1865.

Rules of the Supreme Court in Criminal Cases of the 7th November, 1878.

Table of Fees of the 13th March, 1899.

Rules of the Supreme Court of the 25th April, 1905.

320. These Rules may be cited as “The China and Corea Rules of Court, 1905.”

Approved:

LANSDOWNE.

*His Majesty's Principal Secretary of State  
for Foreign Affairs.*

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## FIRST SCHEDULE.

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### COURT FEES, &c.

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#### *Notes.*

- (i.) Article 164 of the Principal Order provides that all fees and other sums of money which, in any Rules of Court made under that Order, are stated in British currency shall, if not paid in British gold, be paid in China in British or Mexican dollars at the rate of exchange fixed periodically by the Treasury; in Corea in Japanese currency at the rate of 10 yen to the £ sterling. In making such payments in China, all fractions of 25 cents shall be counted as 25 cents, and in Corea all fractions of 25 sen shall be counted as 25 sen.
- (ii.) The same Article provides that the said rates of exchange shall apply to the ascertainment of the value of any property for the purpose of any limitation or security, in any case where the Order or any Rules contain a reference to British currency.
- (iii.) In estimating the sterling value of the estate of a deceased person for the payment of any fee on probate or administration, taels or dollars shall be estimated at the sight rate of exchange on London at the time when the fee is paid.

## [British Jurisdiction.]

- (iv.) 75 Shanghai taels shall be reckoned as equivalent to 100 British or Mexican dollars.
- (v.) For the purpose of calculating poundage or percentage, any fraction of a £ shall be treated as an entire £.
- (vi.) All poundage or percentage, except where otherwise herein specified, shall be estimated upon the amount or value of the subject-matter of the proceeding upon which it is payable. In any case where any poundage or percentage cannot be estimated by these Rules, it shall be estimated on 50%.
- (vii.) The hearing fee in interpleader shall be estimated on the amount of the money or the value of the goods claimed, which value in case of dispute, shall be assessed by the Court, who at the hearing shall direct by whom and when and how such fee shall be paid.
- (viii.) Poundage on judgment summonses under Rule 190 is to be calculated on so much of the amount of the original demand as, under the order of the Court, is payable at the time of the issue of the summons.
- (ix.) All fractions of 6*d.* in the amount of a fee shall be treated and charged as 6*d.*

*Special Case.*

	£	s.	d.
1. On summons or application by party for special case ..	1	0	0
2. On special case where stated or settled by the Court ..	0	10	0
3. On hearing .. .. .	1	0	0
Fee No. 3 is not to be levied when Fee No. 55 exceeds 1 <i>l.</i> , and is levied.			

*Summary Orders before Suit (Rule 174).*

4. On application for order .. .. .	0	10	0
5. On recognizance .. .. .	0	10	0
6. On order .. .. .	0	5	0

*Bankruptcy Proceedings.*

7. On a summons .. .. .	1	0	0
8. On taking possession .. .. .	0	10	0
9. On making an inventory, per hour .. .. .	0	5	0
10. On a bond with sureties .. .. .	0	10	0
11. On filing an affidavit other than proof of debts .. .. .	0	2	0
12. On a subpoena or summons under section 27 of the Bankruptcy Act, 1883 .. .. .	0	1	0
13. On every proof of debt over 2 <i>l.</i> .. .. .	0	1	0
14. On the appointment of a Receiver or Manager .. .. .	1	0	0
15. In addition to Fee No. 14, when an Officer of the Court is appointed Receiver, such further sum as the Court directs, not exceeding .. .. .	5	0	0
16. On the approval or appointment of a Trustee by the Court .. .. .	0	10	0
17. On application for an order of discharge .. .. .	1	0	0
And in addition the cost of such advertisements as the Court directs.			
18. In addition to Fee No. 17, for every creditor to be notified by the Court .. .. .	0	1	0

£ s. d.

19. On every application to the Court to approve a composition, a fee computed at the following rate on the gross amount of the composition, viz., 1*l.* on every 100*l.* or fraction of 100*l.* up to 5,000*l.*, and 10*s.* on every 100*l.* or fraction of 100*l.* beyond 5,000*l.*
20. On every application to the Court to approve a scheme of arrangement, a fee computed at the following rates on the gross amount of the estimated assets (but not exceeding the gross amount of the unsecured liabilities), viz., 1*l.* on every 100*l.* or fraction of 100*l.* up to 5,000*l.* and 10*s.* on every 100*l.* or fraction of 100*l.* beyond 5,000*l.*
- Provided that where a fee has been taken on a previous application to the Court to approve a composition or scheme, seven-eighths of the amount thereof shall be deducted from the fee payable on an application to approve a composition or scheme.

*Probate and Administration.*

21. In all cases (except under Article 106 or under Article 112 of the Principal Order) where the value of the estate does not exceed 200*l.*, the fees to be taken for probate and administration shall not exceed in the aggregate 5 per cent. on the value of the estate.

In all cases (except those to which Fee No. 21 applies) the fees shall be regulated according to the following scale :—

- |   |   |    |   |
|---|---|----|---|
| 22. On application for probate or administration .. .. .            | 1 | 0  | 0 |
| 23. On oath for every executor and administrator and surety .. .. . | 0 | 10 | 0 |
| 24. On every security .. .. .                                       | 1 | 0  | 0 |
| 25. On probate or administration.                                   |   |    |   |

Where the value of the estate is—

- |   |   |   |   |
|---|---|---|---|
| From 100 <i>l.</i> to 500 <i>l.</i> , for every 50 <i>l.</i> or fraction thereof ..   | 1 | 0 | 0 |
| From 500 <i>l.</i> to 1,000 <i>l.</i> , for every 50 <i>l.</i> or fraction thereof .. | 1 | 5 | 0 |
| Above 1,000 <i>l.</i> , for every 100 <i>l.</i> or fraction thereof ..                | 3 | 0 | 0 |

26. Where the Court appoints as administrator an officer of the Court { In addition to the foregoing 2½ per cent. on the value in the estate and effects.

- |  |   |    |    |
|--|---|----|----|
|  | £ | s. | d. |
| 27. On registering a will under Rule 296 .. .. .   | 0 | 10 | 0  |
| 28. On sealing a summons under Rule 294 .. .. .  | 1 | 0  | 0  |
| 29. On order under Rule 294 .. .. .  | 1 | 0  | 0  |
| 30. Registering probate or letters of administration ..  | 0 | 10 | 0  |
| 31. Copy of Decree (if required) .. .. .   | 0 | 10 | 0  |
| 32. Copy of Decree, if above six folios, per folio beyond six ..   | 0 | 1  | 0  |
| 33. In the case provided for in Article 106 of the Principal Order fees Nos. 22, 23, 24, 36, 37 are also payable, so far as they are applicable. |   |    |    |
| 34. Certificate under seal .. .. .   | 0 | 10 | 0  |
| 35. Filing bond .. .. .  | 0 | 5  | 0  |
| 36. Filing any account .. .. .   | 0 | 10 | 0  |
| 37. Passing any account .. .. .  | 1 | 0  | 0  |



*Ordinary Suits.*

	£	s	d.
38. On sealing a writ of summons for the commencement of an action :— 6 <i>d.</i> in the £, not exceeding a total fee of 25 <i>l.</i> , but in no case less than 2 <i>s.</i> 6 <i>d.</i>			
39. On sealing every judgment summons under Rule 190, 2 <i>d.</i> in the £ on so much of the amount of the original demand as, under the order of the Court, is payable at the time of issue of the summons, not exceeding a total fee of 10 <i>s.</i> , but in no case less than 2 <i>s.</i> 6 <i>d.</i>			
40. On sealing a concurrent, renewed, or amended writ of summons for the commencement of an action .. .. .	0	2	6
41. On sealing a third party notice under Rule 90 .. .. .	0	2	6
42. On sealing a writ of mandamus .. .. .	0	10	0
43. On sealing a writ of subpoena for witnesses, not exceeding three persons .. .. .	0	5	0
44. On sealing a subpoena pursuant to the Court of Probate Act, 1858, section 23, and every writ not otherwise specified .. .. .	0	5	0
45. On sealing a writ of execution against goods for less than 50 <i>l.</i> ... .. .	0	5	0
46. On sealing a writ of execution against goods for 50 <i>l.</i> and upwards .. .. .	1	0	0
47. On sealing any originating summons .. .. .	0	10	0
48. On amending same .. .. .	0	5	0
49. On motion for a new trial .. .. .	1	0	0
50. On sealing or issuing any summons not particularly charged, or Registrar's warrant .. .. .	0	2	6
No fee shall be payable on any application for or on the hearing of any application to set aside proceedings, or for a summons in interpleader.			

*Examination of Witnesses.*

51. On every witness examined in Court .. .. .	0	2	6
52. On every memorandum of appointment for an examination .. .. .	0	5	0
53. On every witness sworn and examined by an officer of the Court in his office, unless otherwise provided, including oath, for each hour or part of an hour .. .. .	0	10	0
54. On an examination of witnesses by any such officer away from the office (in addition to reasonable travelling and other expenses) for each hour or part of an hour .. .. .	1	0	0
The officer may, before going to the place of examination, require a deposit, or an undertaking in writing to pay any fees and expenses which may become payable, and, in case of a deposit, shall make a memorandum thereof and deliver the same to the party making the deposit.			

*Hearing.*

£ s. d.

55. On entering or setting down, or re-entering or re-setting down any cause, including hearing, whether on summons adjourned from Chambers to Court, or otherwise, and including special case or matter by which a proceeding is commenced, 6*d.* in the £, not exceeding a total fee of 25*l.*, but in no case less than 2*s.* 6*d.*  
This fee is not to be levied when Fee No. 3 is levied, unless the total fee leviable under Fee No. 55 exceeds 1*l.*
56. On an order for adjournment of hearing rendered necessary by default or request of either party (to be paid by that party) .. .. . 0 7 6
57. In all cases where the defendant shall, either personally, or by his legal practitioner or agent, admit the claim, one-half of the hearing fee paid by the plaintiff shall be returned to him by the Registrar, though the Court may have been required to decide upon the terms and conditions upon which the claim is to be paid.
58. An additional hearing fee shall be taken for every new trial.
59. On the hearing of a judgment summons under Rule 190, 3*d.* in the £ on the amount on which the fee for the summons is calculated, not exceeding a total fee of 10*s.*, but in no case less than 2*s.* 6*d.*
60. On the hearing of any summons in Chambers other than an originating summons .. .. . 0 5 0

*Interlocutory Proceedings, Orders.*

61. On filing any motion where not otherwise provided .. 0 5 0
62. On drawing up any Order .. .. . 0 5 0
63. Order for accounts, on every 100*l.* or fraction thereof found to have been received, without deducting any payment .. .. . 0 1 0
64. On a certificate of the Registrar of the result of any proceeding or taxation of costs before him, including one or any number of matters .. .. . 0 10 0

*Judgments, Decrees, and Orders.*

65. On entering any order in the Order Book .. .. 0 2 6
66. If made in Court on the original hearing or hearing on further consideration of a cause, or on the hearing of a special case or petition, unless otherwise provided .. 0 5 0  
Judgment by consent, or default judgment, 3*d.* in the £ on the amount claimed in the summons, but in no case less than 2*s.* 6*d.*
67. Order for sale or purchase of lands, for every 100*l.* or fraction thereof involved .. .. . 0 2 6

	£	s.	d.
68. Order for accounts, on every 100 <i>l.</i> or fraction thereof found to have been received, without deducting any payment .. .. .	0	1	0
69. On a certificate of the Registrar of the result of any proceeding or taxation of costs before him, including one or any number of matters .. .. .	0	10	0

*Appeal to Supreme Court.*

70. On motion for leave to appeal or for a re-hearing .. .. .	0	10	0
71. On motion for leave to appeal against adjudication of bankruptcy .. .. .	5	0	0
72. On motion for leave to appeal against allowance, suspension, or refusal of order of discharge in bankruptcy .. .. .	5	0	0
73. On every security .. .. .	0	10	0
74. On order for leave to appeal or for re-hearing .. .. .	1	0	0
75. On hearing of—			
(a.) Any appeal or on any re-hearing in the Supreme Court, $\frac{1}{2}$ per cent. on the amount involved, not exceeding a total fee of 2 <i>5l.</i>			
(b.) Any appeal referred to in No. 71 or No. 72 .. .. .	2	0	0
(c.) Any other appeal, where the recovery of money is not involved .. .. .	3	0	0

*Appeal to His Majesty in Council.*

76. On motion for leave to appeal .. .. .	2	0	0
77. On every security .. .. .	2	0	0
78. On order for leave to appeal .. .. .	5	0	0
79. For preparing record of appeal, such sum as the Court directs (not exceeding 6 <i>d.</i> per folio).			
80. For certifying record of appeal, per folio .. .. .	0	0	6

*Filing.*

81. On filing or transmitting to the Supreme Court a special case .. .. .	1	0	0
82. On filing any document .. .. .	0	5	0
83. On depositing, pursuant to an order in any cause or matter, any documents for safe custody or production, if the number does not exceed five .. .. .	0	5	0
84. If exceeding five .. .. .	0	10	0
85. On a receipt for any document or documents to which the last two fees apply, when delivered out .. .. .	0	2	6

*Copies.*

86. On making a copy of any document, or extract therefrom, for each folio .. .. .	0	1	0
87. On examining a written or printed copy, and marking or sealing same as an office copy, for each folio .. .. .	0	0	6
88. On a copy in a foreign language, double the above fees.			

	£	s.	d.
89. For an official certified translation of any document, for first folio .. .. .	0	7	6
90. For every further folio .. .. .	0	5	0
91. On a copy of a plan, map, section, drawing, photograph, or diagram, the actual cost.			

*Attendances.*

92. On an application for any officer to attend a foreign Court as a witness, or to produce records or documents to be given in evidence (in addition to the reasonable expenses of the officer), for each day or part of a day he shall necessarily be absent from his office, not exceeding two hours .. .. .	1	0	0
93. For every additional hour or part of an hour .. .. . (Not exceeding a total fee of 4 <i>l.</i> ) The officer may, before leaving his office, require a deposit or a guarantee in writing to pay any fees or expenses which may become payable.	0	10	0
94. On a verbal application to a local authority, for any purpose whatever relating to any proceeding under the Principal Order .. .. .	0	10	0
95. For attendance at a sale— At request of parties interested or of local authorities, if absent less than two hours .. .. . At request of parties interested, for each additional hour or fraction thereof, 10 <i>s.</i> , with a maximum per day of .. .. .	2	0	0
96. For attendance of interpreter at Consular Court, if required by a party in an action { Such sum as the Court directs, not exceeding 3 <i>l.</i> per diem.	4	0	0

*Oaths, &c.*

	£	s.	d.
97. For taking an affidavit or an affirmation, or an attestation upon honour in lieu of an affidavit or declaration	0	5	0
98. And in addition thereto, for every exhibit therein referred to and required to be marked .. .. .	0	2	6

*Certificates.*

99. On a certificate of an affidavit or proceeding having been entered, filed, or taken, or of the negative thereof, unless otherwise provided .. .. .	0	2	6
100. Or if required for use in a foreign country .. .. .	0	10	0

*Searches and Inspections.*

101. On an application to search for an affidavit and inspecting the same .. .. .	0	1	0
102. On an application to search an index, and inspect a Judgment, Decree, Order, or other record, or will or			

					£	s.	d.
	copy of a will, and to inspect scripts filed, or documents deposited pursuant to an order for safe custody or production, for each hour or part of an hour occupied ..	0	5	0			
103.	Not exceeding in one day .. .. .	1	0	0			
104.	On reference to archives .. .. .	0	2	6			

*Registration of Documents, &c.*

105.	On registering bill of sale and affidavit therewith when the consideration (including further advances) does not exceed 100l. .. .. .	0	5	0			
106.	When the consideration exceeds 100l., for every 100l. or part thereof .. .. .	0	5	0			
107.	On filing under the Bills of Sale Acts, 1878 and 1882, any other documents to which the Fees Nos. 105 and 106 do not apply .. .. .	0	10	0			
108.	Registering any mortgage deed, conveyance, letters patent, will or document requiring registration (other than a bill of sale), and comparing and certifying the same under seal, in addition to the certificate fee of 10s.	0	15	0			
109.	Ditto, if above ten folios, for every folio of seventy-two words above that number .. .. .	0	1	0			

*Taxation of Costs.*

110.	Taxation of practitioner's bill of costs, not exceeding ten folios .. .. .	0	10	0			
111.	For every folio beyond ten .. .. .	0	1	0			
112.	Taxation of Marshal's bill of fees .. .. .	0	5	0			

*Acknowledgments by Married Women to Deeds.*

113.	Taking the acknowledgment of a married woman to any deed .. .. .	1	0	0			
114.	Filing certificate .. .. .	0	5	0			

*Miscellaneous.*

115.	On taking an inventory, per diem .. .. .	1	0	0			
116.	For communications between two Consular Courts ..	0	10	0			
117.	For communications in writing to foreign or local authority and filing reply .. .. .	0	15	0			
118.	For application to local authority for permission to sell or purchase realty .. .. .	1	0	0			
119.	Application to local authority for any other purpose ..	0	10	0			
120.	For despatch to accompany same .. .. .	0	10	0			
121.	On deposit of will for safe custody (including receipt for same) .. .. .	0	10	0			
122.	On deposit of money (other than in pursuance of a Judgment or Order) 1 per cent.						
123.	Poundage on moneys paid into Court for care, risk or responsibility, $\frac{1}{2}$ per cent.						
124.	For any service performed under any Act of Parliament, the like fee as is chargeable in England.						

## [British Jurisdiction.]

*References to the Registrar.*

	£	s.	d.
125. On every reference, investigation, or inquiry (other than in Admiralty causes), including the examination of witnesses, for every hour or part of an hour occupied..	0	10	0

*Interpreter.*

126. For interpreting in any language in the Court, per day or part of a day .. .. .	0	10	0
127. For attendance at Supreme Court, if required by a party to the suit (in addition to reasonable expenses), such sum as the Court shall allow, not exceeding per day ..	3	0	0

*Marshal.*

128. Service of summons, orders, or other documents not otherwise specified, if within a mile of the Court ..	0	2	6
129. Every additional mile or part of a mile .. .. .	0	1	0
130. Arresting any party, and taking bail to appear..	0	5	0
131. Drawing and assigning (where required) bail bond ..	0	5	0
132. Where parties settle action without bail, and defendant is discharged on payment of the debt .. .. .	0	5	0
133. For copy of warrant of arrest when required by defendant	0	2	0
134. Executing warrant of arrest, attachment, or execution on property .. .. .	0	5	0
135. If execution be withdrawn before sale .. .. .	0	7	6
136. Attending trial of each cause .. .. .	0	2	6
137. Issuing and serving each subpœna, including copy for service .. .. .	0	2	6
138. Serving notice on jurors or assessors, each .. ..	0	2	6
139. For every prisoner discharged by consent indorsed on bail bond .. .. .	0	5	0
140. For sale of personal property under execution when amount under 10l. .. .. .	0	10	0
141. For sale of personal property under execution when amount above 10l., for every additional 10l. or part thereof .. .. .	0	2	6
In every case when the duty to be performed is more than 1 mile from the Court, an additional fee of 1s. per mile is to be charged.			

*Keeper of the Gaol.*

142. For attending Court with a prisoner as a witness ..	0	5	0
143. For every prisoner discharged by consent indorsed on bail bond .. .. .	0	5	0

*Criminal Matters.*

144. On every summons or warrant .. .. .	0	2	6
145. On hearing in summary case .. .. .	0	2	6
146. On warrant of commitment .. .. .	0	1	6

	£	s.	d.
147. On recognizance .. .. .	0	1	0
148. For service of notice on each juror or assessor .. ..	0	2	6
149. On trial with a jury .. .. .	0	10	0
150. On record of sentence on trial with a jury .. .. .	0	10	0
The Court may suspend or remit any of the above fees (in criminal matters) when it shall deem it to be in the interest of justice to do so.			

*Scale of Allowances under Article 52 of the Principal Order.*

151. Assessors, not exceeding 2 <i>l.</i> per diem, for each day or part of a day on which they attend.			
152. Jurors, for each day or part of a day on which they serve, such sum as the Court may direct, not exceeding .. .. .	0	10	0
153. Witnesses and complainants. For professional men, merchants, and the like, not exceeding per day .. ..	1	0	0
For other persons, not exceeding per day .. ..	0	10	0
Travelling expenses for assessors, jurors, complainants, and witnesses, and fees to medical practitioners for analysis, &c., may be allowed in addition to the above.			

## SECOND SCHEDULE,

## INDEX TO FORMS.

*Criminal.*

No.		Page
1.	Complaint .. .. .	980
2.	Summons to accused .. .. .	980
3.	Warrant for arrest of accused where summons is disobeyed	980
4.	Warrant in first instance for arrest of accused .. ..	981
5.	Charges .. .. .	981
6.	Warrant remanding the accused person in custody .. ..	982
7.	Recognizance of bail on adjournment of hearing or for surrender for trial .. .. .	982
8.	Notice of recognizances to be given to accused and each of his sureties .. .. .	983
9.	Summons to a witness .. .. .	983
10.	Warrant where witness has not obeyed summons .. ..	984
11.	Warrant for witness in first instance .. .. .	984
12.	Warrant for commitment of witness for refusing to be sworn or to give evidence .. .. .	984
13.	Summary conviction for a fine to be levied by distress, and in default of a sufficient distress, imprisonment; or for a fine, and in default of payment, imprisonment ..	985

No.		Page
14.	Summary conviction where the punishment is imprisonment and no fine.. .. .	985
15.	Warrant of commitment on a conviction as that last mentioned .. .. .	986
16.	Order of dismissal of charge .. .. .	986
17.	Certificate of dismissal of charge to be given to accused ..	987
18.	Order of recognizance to keep the peace, &c. .. ..	987
19.	Condition of recognizance for securing payment by instalments .. .. .	988
20.	Summons for forfeiture of recognizance .. .. .	988
21.	Indorsement of forfeiture of recognizance .. .. .	988
22.	Warrant of distress upon conviction, or where the person convicted is to pay costs, but no fine .. .. .	989
23.	Return of insufficient distress to be indorsed on warrant ..	989
24.	Warrant of commitment for want of distress .. .. .	989
25.	Warrant on a conviction for a fine, for commitment of the person convicted in the first instance, without previous warrant of distress .. .. .	990
26.	Warrant of distress for costs to be paid by the person making the charge on an order for dismissal of the charge .. .. .	991
27.	Warrant of commitment for want of distress in the last case ..	991
28.	Deposition .. .. .	991
29.	Statement of the accused .. .. .	992
30.	Warrant to commit for trial .. .. .	992
31.	Condition of bail to appear at trial .. .. .	993
32.	Recognizance binding prosecutor or witness to prosecute or give evidence .. .. .	993
33.	Notice of recognizance to be given to prosecutor and each of his witnesses .. .. .	993
34.	Certificate of non-appearance to be indorsed on the recognizance .. .. .	994
35.	Commitment of witness for refusing to enter into recognizances .. .. .	994
36.	Subsequent order to discharge witness .. .. .	994
37.	Receipt for prisoner .. .. .	995
38.	Information to ground search-warrant .. .. .	995
39.	Search-warrant .. .. .	995

*Civil.*

40.	Undertaking by next friend of infant to be responsible for defendant's costs .. .. .	996
41.	Writ of summons .. .. .	996
42.	Indorsements of character of parties .. .. .	997
43.	Affidavit in support of application for substituted service..	997
44.	Order for substituted service .. .. .	997
45.	Substituted service ; Notice in papers .. .. .	998
46.	Notice of special defence .. .. .	998
47.	Notice for requisition of names of firms .. .. .	999
48.	Third party Notice .. .. .	1000



No.	Page
49. Notice of discontinuance of action .. .. .	1000
50. Defendant's statement .. .. .	1000
51. Admission and submission to judgment .. .. .	1001
52. Notice of payment into Court .. .. .	1001
53. Acceptance of sum paid into Court .. .. .	1002
54. Interrogatories .. .. .	1002
55. Affidavit of answer .. .. .	1002
56. Order for delivery of interrogatories .. .. .	1002
57. Order for discovery of documents .. .. .	1003
58. Affidavit of discovery .. .. .	1003
59. Notice to admit documents .. .. .	1003
60. Notice to admit facts .. .. .	1004
61. Notice to produce .. .. .	1004
62. Summons to witness to give evidence .. .. .	1005
63. Summons to witness to produce documents .. .. .	1005
64. Order to produce documents .. .. .	1005
65. Notice to admit affidavits .. .. .	1006
66. Order to take evidence <i>de bene esse</i> .. .. .	1006
67. Notice to Registrar of change in plaintiff's or defendant's title before judgment .. .. .	1006
68. Notice to plaintiff or defendant of change in plaintiff's or defendant's title before judgment .. .. .	1007
69. Judgments .. .. .	1007
70. Form of judgment .. .. .	1008
71. Notice of payment into Court .. .. .	1008
72. Writ of injunction .. .. .	1009
73. Warrant of sequestration; Return <i>nulla bona</i> ; General notice of sequestrators .. .. .	1009
74. Notice of execution .. .. .	1011
75. Warrant of execution .. .. .	1011
76. Certificate issued under Rule 189 .. .. .	1012
77. Judgment summons .. .. .	1012
78. Order for payment by instalments on a judgment summons .. .. .	1013
79. Warrant of commitment where judgment debtor appears .. .. .	1014
80. Warrant of commitment where judgment debtor does not appear .. .. .	1015
81. Certificate to discharge prisoner .. .. .	1016
82. Interpleader summons .. .. .	1016
83. Summons in interpleader by the Marshal .. .. .	1017
84. Order of reference .. .. .	1017
85. Form of award .. .. .	1018
86. Notice of publication of award .. .. .	1018
87. Notice to judgment debtor to attend and be examined .. .. .	1019
88. Garnishee summons .. .. .	1019
89. Notice of proposed sureties .. .. .	1020
90. Notice by Registrar of day and hour upon which bond to be executed .. .. .	1020
91. Affidavit of sufficiency .. .. .	1020
92. Judgment in detainee .. .. .	1021
93. Warrant of delivery .. .. .	1021
94. Form of special case .. .. .	1021

## [British Jurisdiction.]

<i>Probate and Administration.</i>		Page
No.		
95.	Petition for Probate .. .. .	1022
96.	Petition for administration .. .. .	1022
97.	Petition for administration with will annexed .. .. .	1023
98.	Affidavit of attesting witness in proof of due execution of will or codicil .. .. .	1023
99.	Oath for executor .. .. .	1024
100.	Oath for administrator with will annexed .. .. .	1025
101.	Oath for administrator (not with will annexed) .. .. .	1025
102.	Citation for probate .. .. .	1026
103.	Citation for letters of administration .. .. .	1026
104.	Probate .. .. .	1026
105.	Letters of administration .. .. .	1027
106.	Letters of administration with will annexed .. .. .	1027
107.	Double probate .. .. .	1028
108.	Letters of administration of goods not already administered .. .. .	1028
109.	Administration bond .. .. .	1029
110.	Justification of sureties .. .. .	1030
111.	Renunciation of probate and administration with will annexed .. .. .	1030
112.	Notice to prohibit grant of probate or administration .. .. .	1031
113.	Warning to person filing notice to prohibit grant .. .. .	1031
114.	Order to a person to bring in a paper purporting to be testamentary .. .. .	1031
115.	Lists of probates and administrations .. .. .	1032
<i>Reports under Article 167.</i>		
116.	Return of criminal cases .. .. .	1033
117.	Return of civil cases .. .. .	1033

## FORMS.

*\*\* The following is the General Heading referred to in these Forms.*

In His Britannic Majesty's Consular Court at [Canton].

Criminal Jurisdiction.

[or, as the case may be,

Civil Jurisdiction.

or

Bankruptcy Jurisdiction.

or

Probate Jurisdiction.]

[Thursday], the .. day of .., 19 ..

With this addition in the original Summons and in every subsequent paper issued in a Civil action:—

Between A. B. . . . . Plaintiff,

and

C. D. . . . . Defendant.

[or, as the case may be,

In the matter of A. B., deceased.]

## [British Jurisdiction.]

\* \* \* *The following is the form of Jurat to an Affidavit referred to in these Forms.*

Sworn at  
this       day of       , 19       }  
Before me, X. Y.,  
Registrar,  
[or as the case may be.]

## CRIMINAL.

## FORM 1.—[Rule 32.]

*Complaint.*

(General Heading.)

C. D., of       , [if on oath add "being first duly sworn"] complains that A. B., of       , on the       day of       , at       [here shortly describe the matter complained of].

(Signed)

Taken [or sworn] before me, this       day of       ,  
in the year one thousand nine hundred and       .  
J. S.

## FORM 2.—[Rule 34.]

*Summons to Accused.*

(General Heading.)

To A. B., of       , [labourer].

Complaint has this day been made [on oath] before this Court for that you [stating shortly the offence charged].

Therefore you are hereby commanded, in the name of His Majesty King Edward, to appear before this Court on [Saturday next], the       day of       , at [10 o'clock in the forenoon] at [       ], to answer to the said charge, and to be further dealt with according to law.

J. S. (Seal.)

## FORM 3.—[Rules 36 and 37.]

*Warrant for Arrest of Accused where Summons is disobeyed.*

(General Heading.)

To X. Y., and other Officers of this Court.

Complaint was on the       day of       , 19       , made [on oath] before this Court that A. B., of, &c. [as in summons].

And the said A. B. was, by summons of this Court, commanded to appear before this Court on       , at       ,  
at       , to answer to the said complaint.

## [British Jurisdiction.]

And (as it has now been proved to this Court) he was duly served with the said summons. But he has not appeared according thereto.

Therefore you are hereby commanded, in the name of His Majesty King Edward, forthwith to apprehend him, and to bring him before this Court to answer to the said complaint.

J. S. (Seal.)

## FORM 4.—[Rules 36 and 37.]

*Warrant in first instance for Arrest of Accused.*

(General Heading.)

To X. Y., and other Officers of this Court.

Complaint has this day [or other date] been made on oath before this Court that A. B., of, &c. [stating shortly the offence charged].

Therefore you are hereby commanded, in the name of His Majesty King Edward, forthwith to apprehend the said A. B., and to bring him before this Court to answer to the said complaint.

J. S. (Seal.)

## FORM 5.—[Rule 54.]

*Charges.*

(General Heading.)

## 1. General form.

You, A. B., are hereby charged as follows :—

(a.) That you, on or about the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_

(b.) That you [further charge, if any, which may be joined].

On the said charge [or charges] you are to be tried before this Court [or the Supreme Court, or as the case may be].

2. Statement of offence [after date and place of offence, according to circumstances].

(1.) Did murder one C. D.

[NOTE.—Unnecessary to aver felonious intent or malice aforethought.]

(2.) Did commit manslaughter by causing the death of C. D.

[NOTE.—In cases under Article 39 of the Order, unnecessary to aver that the wound was given on the high seas, or that the death occurred at Shanghai.]

(3.) Did commit theft by stealing from the house of C. D. certain goods, namely, &c.

(4.) Did, in the course of the trial of \_\_\_\_\_, commit perjury by stating in evidence that, &c.

(5.) Did commit burglary by breaking into the house of C. D. by night.

[NOTE.—Unnecessary to aver intent to commit felony.]

(6.) Did receive certain stolen goods, namely, &c., contrary to section 95 of the Larceny Act, 1861.

(7.) Did set fire to the dwelling-house of C. D., contrary to section 2 of the Malicious Damage Act, 1861.

(8.) Did throw into a ship an explosive substance contrary to section 30 of the Offences against the Person Act, 1861.

(9.) Did obstruct *C. D.*, an officer of the Consular Court at , in the performance of his duty, contrary to Article 77 of the China and Corea Order in Council, 1904.

FORM 6.—[Rules 37 and 38.]

*Warrant remanding the Accused Person in Custody.*

(General Heading.)

To *X. Y.*, Officer of this Court, and to the keeper of [ ] prison at [ ].

Whereas a complaint [or charge] has been made in this Court against *A. B.*, of , [labourer], for that [shortly state complaint or charge].

And it appears to this Court necessary to remand the said *A. B.*

Therefore you are hereby commanded, in the name of His Majesty King Edward, you, the above-named *X. Y.*, forthwith to convey the said *A. B.* to the above-mentioned prison, and there deliver him to the keeper thereof, together with this warrant. And you, the keeper of the said prison, to receive the said *A. B.* into your custody in the said prison, and there safely keep him until the day of instant, and then to have him before this Court at [10 o'clock in the forenoon] of the same day at [ ] to answer further to the said charge, and to be further dealt with according to law.

*J. S.* (Seal.)

FORM 7.—[Rules 37 and 38.]

*Recognizance of Bail on adjournment of Hearing or for surrender for Trial.*

(General Heading.)

We, *A. B.*, of , [labourer], *L. M.*, of , [grocer], and *N. O.*, of , [butcher], come personally before this Court, this day of , 19 , and severally acknowledge ourselves to owe to our Sovereign Lord King Edward the several sums following, namely, the said *A. B.*, the sum of £ sterling, and the said *L. M.* and *N. O.* the sum of £ sterling each, to be levied on our several goods, if the said *A. B.* fails in the condition hereon indorsed.

*A. B.*

*L. M.*

*N. O.*

Before me,

*J. S.* (Seal.)

*Condition indorsed.*

The condition of the within-written recognizance is as follows:

Complaint has been made before this Court for that the within-bounden *A. B.* [as in summons].

## [British Jurisdiction.]

If, therefore, the said *A. B.* appears\* before this Court on \_\_\_\_\_, at \_\_\_\_\_ o'clock at \_\_\_\_\_, to answer [further] to the said charge, and to be [further] dealt with according to law,\* then the said recognizance shall be void, and otherwise shall remain in full force.

[Where the recognizance is for surrender for trial, substitute for the words between asterisks \* \* the following :—before [\_\_\_\_\_] on [\_\_\_\_\_] at [\_\_\_\_\_] o'clock at [\_\_\_\_\_] and then and there surrenders himself into the custody of the keeper of the [\_\_\_\_\_] prison there, to answer to such charge as may be preferred against him for the offence aforesaid, and take his trial thereon, and not depart from the Court without leave.]

## FORM 8.—[Rule 38.]

*Notice of Recognizances to be given to Accused and each of his Sureties.*

(General Heading.)

To *A. B.*, of \_\_\_\_\_, [labourer], *L. M.*, of \_\_\_\_\_, [grocer], and *N. O.*, of \_\_\_\_\_, [butcher].

You, *A. B.*, are bound in the sum of £ \_\_\_\_\_ sterling, and you, his sureties, *L. M.* and *N. O.*, in the sum of £ \_\_\_\_\_ sterling each, that you, *A. B.*, appear before this \* Court on the \_\_\_\_\_ day of \_\_\_\_\_, at \_\_\_\_\_ o'clock, at \_\_\_\_\_, to answer [further] to the charge made against you by *C. D.*, and to be further dealt with according to law;\* and unless you, *A. B.*, do so, the recognizance entered into by you, *A. B.*, *L. M.*, and *N. O.*, will be forthwith levied on your respective goods.

(Seal.)

[Where the recognizance is for surrender for trial, substitute for the words between asterisks \* \* words corresponding to the terms of the condition.]

## FORM 9.—[Rule 39.]

*Summons to a Witness.*

(General Heading.)

To *E. F.*, of \_\_\_\_\_, [labourer].

Complaint has been made before this Court that *A. B.*, of \_\_\_\_\_, [labourer], [as in summons].

And it appears to this Court that you are likely to give material evidence concerning the said charge.

Therefore you are hereby commanded, in the name of His Majesty King Edward, to appear before this Court on [Saturday next], the [\_\_\_\_\_] day of [\_\_\_\_\_] 19\_\_\_\_, at [10 o'clock in the forenoon], at [\_\_\_\_\_] to testify what you shall know concerning the said complaint.

*J. S.* (Seal.)

## [British Jurisdiction.]

## FORM 10.—[Rule 39.]

*Warrant where Witness has not obeyed Summons.*

(General Heading.)

To X. Y., and other Officers of this Court.

Complaint has been made before this Court that A. B., of [labourer], [as in summons].

And it appearing to this Court that E. F., of [labourer], is likely to give material evidence concerning the said charge, the said E. F. was, by summons of this Court, commanded to appear before this Court on [ ], at [ ], at [ ], to testify what he should know concerning the said complaint.

And (as it has now been proved to this Court) he was duly served with the said summons. But he has not appeared according thereto, and has not excused his failure to do so to the satisfaction of this Court.

Therefore you are hereby commanded, in the name of His Majesty King Edward, to bring and have the said E. F. before this Court on [ ], at [10 o'clock in the forenoon], at [ ], to testify what he shall know concerning the said complaint.

J. S. (Seal.)

## FORM 11.—[Rule 39.]

*Warrant for Witness in first instance.*

(General Heading.)

To X. Y., and other Officers of this Court.

Complaint has been made before this Court that A. B., of [labourer], [as in summons].

And this Court is satisfied that E. F., of [labourer], is likely to give material evidence concerning the said charge, and that it is probable he will not attend to give evidence unless compelled to do so.

Therefore you are hereby commanded, in the name of His Majesty King Edward, to bring and have the said E. F. before this Court on [Saturday next], the [ ] day of [ ], 19 [ ], at [10 o'clock in the forenoon], at [ ], to testify what he shall know concerning the said complaint.

J. S. (Seal.)

## FORM 12.—[Rule 39.]

*Warrant for Commitment of Witness for refusing to be Sworn or to give Evidence.*

(General Heading.)

To X. Y., Officer of this Court, and to the keeper of [ ] prison at [ ].

Complaint has been made before this Court that A. B., of [labourer], [as in summons].

And E. F., of [labourer], now being before this Court to testify what he knows concerning the said complaint in pursuance of a summons [or warrant] issued by this Court, and being required refuses to take an oath [or having taken an oath refuses to answer a

certain question now put to him concerning the said complaint], and does not excuse his refusal to the satisfaction of this Court.

Therefore you are hereby commanded, in the name of His Majesty King Edward, you, the above-named *X. Y.*, to take the said *E. F.*, and convey him safely to the above-named prison, and there deliver him to the keeper thereof, together with this warrant.

And you, the keeper of the said prison, to receive the said *E. F.* into your custody in the said prison, and to keep him there safely for [seven] days, unless he in the meantime consents to answer duly on oath.

J. S. (Seal.)

#### FORM 13.—[Rule 56.]

*Summary Conviction for a Fine to be levied by Distress, and in default of a sufficient Distress, Imprisonment; or for a Fine, and in default of Payment, Imprisonment.*

(General Heading.)

*A. B.*, of \_\_\_\_\_, [labourer], is this day convicted before this Court for that [state the offence, and the time and place when and where committed].

And this Court adjudges the said *A. B.*, for his said offence, to pay the sum of \_\_\_\_\_ sterling [state the fine, and also the compensation, if any, and the instalment, if any], to be paid and applied according to \_\_\_\_\_, [and also to pay to the said *C. D.* the sum of \_\_\_\_\_ for his costs in his behalf].

And if the said sums be not paid forthwith [or on or before next], then \* this Court orders that the same be levied by distress and sale of the goods of the said *A. B.*

And in default of sufficient distress,\* this Court adjudges the said *A. B.* to be imprisoned [and to be kept to hard labour] for the space of [\_\_\_\_\_] , unless the said sums and all costs and charges † of the said distress [and † of the commitment and conveyance of the said *A. B.* to prison] be sooner paid.

J. S. (Seal.)

[Where the issuing of a distress warrant would be ruinous to the person convicted and his family, or it appears that he has no goods whereon a distress could be levied, then substitute for the words between the asterisks \* \* the following :—] inasmuch as it has now been made to appear to this Court that the issuing of a warrant of distress would be ruinous to the said *A. B.* and his family [or that the said *A. B.* has no goods whereon the said sums can be levied by distress].

[Where the conviction is for a fine, and in default of payment, imprisonment, omit the words between the asterisks \* \*, and also the words between the marks † †.]

#### FORM 14.—[Rule 57.]

*Summary Conviction where the Punishment is Imprisonment and no Fine.*

(General Heading.)

*A. B.*, of \_\_\_\_\_, [labourer], is this day convicted before this Court for that [state the offence, and time and place when and where committed].



## [British Jurisdiction.]

And the Court adjudges the said *A. B.*, for his said offence, to be imprisoned [and to be kept to hard labour] for the space of [ ].

[And this Court also adjudges the said *A. B.* to pay to the said *C. D.* the sum of                      sterling for his costs in this behalf.

And if the same be not paid forthwith [or on or before next], then\* this Court orders that the same be levied by distress and sale of the goods of the said *A. B.*

And in default of sufficient distress,\* this Court adjudges the said *A. B.* to be imprisoned [and to be kept to hard labour] for the space of [ ], to commence at and from the termination of his imprisonment aforesaid, unless the said sum for costs \* and distress \* be sooner paid].

*J. S.* (Seal.)

[The words between asterisks \* \* to be omitted where distress is not ordered.]

## FORM 15.—[Rule 57.]

*Warrant of Commitment on a Conviction as that last mentioned.*

(General Heading.)

To *X. Y.*, Marshal of this Court, and to the keeper of [ ] prison at [ ].

*A. B.*, of                      , [labourer], stands convicted before this Court, by a conviction dated the                      day of                      , for that [as in conviction].

And it is in and by the said conviction adjudged that the said *A. B.* for his said offence should be imprisoned [and be kept to hard labour] for the space of [ ].

Therefore you are hereby commanded, in the name of His Majesty King Edward, you, the above-named *X. Y.*, to take the said *A. B.*, and convey him to the said prison, and there deliver him to the keeper thereof, together with this warrant; and you, the said keeper of the said prison, to receive the said *A. B.* into your custody in the said prison, and there to imprison him [and keep him to hard labour] for the space of [ ].

*J. S.* (Seal.)

## FORM 16.—[Rules 38 and 55.]

*Order of Dismissal of Charge.*

(General Heading.)

*A. B.*, of                      [labourer], was, on the                      day of                      charged before this Court for that [as in summons or warrant].

And now both the said parties appear before this Court in order that it may hear and determine the said charge [or the said *A. B.* appears before this Court, but the said *C. D.*, although duly called, does not appear].

Whereupon, the matter of the said charge being by this Court duly considered,\* it manifestly appears to this Court that the said charge is not proved, and \* this Court dismisses the same.

And adjudges that the said *C. D.* do pay to the said *A. B.* the sum

of £            sterling for his costs in this behalf, and if the same be not paid forthwith [or on or before            ], this Court orders that the same be levied by distress and sale of the goods of the said *C. D.*, and, in default of sufficient distress, this Court adjudges the said *C. D.* to be imprisoned in [            ] prison at [            ], [and there be kept to hard labour] unless the same sum and all costs and charges of the said distress [and of the commitment and conveying to the said prison of the said *C. D.*] be sooner paid.

*J. S.* (Seal.)

[Where the person making the charge does not appear at the hearing, the words between asterisks \* \* may be omitted.]

#### FORM 17.—[Rule 55.]

##### *Certificate of Dismissal of Charge to be given to Accused.*

(General Heading.)

This is to certify that a charge made on the [            ] day of [            ], by *C. D.*, of [            ], [labourer], against *A. B.*, of [            ], [labourer], for that [as in summons or charge] is now considered by this Court, and is by this Court dismissed [with costs].

*J. S.* (Seal.)

#### FORM 18.—[Rule 66.]

##### *Order of Recognizance to keep the Peace, &c.*

(General Heading.)

*A. B.* having made a complaint that *C. D.*, hereinafter called the defendant, on the            day of            , at            in the aforesaid, did

It is adjudged that the defendant do forthwith, to the satisfaction of            , enter into a recognizance in the sum of            with            suret            in the sum of            [each] to keep the peace and be of good behaviour towards His Majesty and all people, and especially towards the complainant, for the term of            now next ensuing.

And it is adjudged that, if the defendant fail to comply with this order, he be imprisoned in His Majesty's prison at            for the space of            unless he sooner complies with this order.

[If costs are ordered, add:—

And it is ordered that the defendant pay to the said the sum of            for costs [by instalments of            for every            days, the first instalment to be paid] forthwith [or on the day of            ]:

And in default of payment it is ordered that the sum be levied by distress and sale of the defendant's goods, and, in default of sufficient distress, that the defendant be imprisoned in the said prison for the space of            commencing at the termination of the imprisonment before ordered, unless the said sum [and all costs and charges of the said distress and commitment and of his conveyance to the said prison] be sooner paid.

*J. S.* (Seal.)

## [British Jurisdiction.]

## FORM 19.—[Rule 56.]

*Condition of Recognizance for securing Payment by Instalments.*

(General Heading.)

We, *A. B.*, of \_\_\_\_\_, [labourer], *L. M.*, of \_\_\_\_\_, [grocer], and *N. O.*, of \_\_\_\_\_, [butcher], come personally before this Court and severally acknowledge ourselves to owe to our Sovereign Lord King Edward the several sums following, namely, the said *A. B.* the sum of \_\_\_\_\_, and the said *L. M.* and *N. O.* the sum of \_\_\_\_\_ each, to be levied on our several goods, if the said *A. B.* fails in the condition hereon indorsed.

*A. B.**L. M.**N. O.*

Before me,

*J. S.* (Seal.)*Condition indorsed.*

This recognizance is such that if the said *A. B.* shall well and truly pay the instalments ordered in a conviction of the Court dated \_\_\_\_\_ day of \_\_\_\_\_, then this recognizance shall be void, otherwise to remain in full force and effect.

## FORM 20.—[Rule 66.]

*Summons for Forfeiture of Recognizance.*

(General Heading.)

To *A. B.*, of \_\_\_\_\_  
You are hereby summoned to appear before this Court at \_\_\_\_\_ on \_\_\_\_\_ day the \_\_\_\_\_ day of \_\_\_\_\_, to show cause why the recognizance entered into the \_\_\_\_\_ day of \_\_\_\_\_, whereby you are bound to pay the sum of \_\_\_\_\_, should not be adjudged to be forfeited.

*J. S.* (Seal.)

## FORM 21.—[Rule 66.]

*Indorsement of Forfeiture of Recognizance.*

(General Heading.)

Before His Britannic Majesty's Supreme Court [or as the case may be].

The within-mentioned principal not having complied with the said condition, this Court adjudges the within-written recognizances to be forfeited.

Dated the \_\_\_\_\_

day of \_\_\_\_\_

19 .

*J. S.* (Seal.)

[British Jurisdiction.]

## FORM 22.—[Rule 57.]

*Warrant of Distress upon Conviction, or where the Person convicted is to pay Costs, but no Fine.*

(General Heading.)

To X. Y., Officer of this Court.

A. B., of \_\_\_\_\_, [labourer], was convicted before this Court by a conviction dated the \_\_\_\_\_ day of \_\_\_\_\_, for that [as in conviction].

And it was adjudged that the said A. B. should,\* for his said offence, pay [as in conviction], and should also\* pay to the said C. D. the sum of \_\_\_\_\_ for his costs in that behalf.

And that if the same should not be paid forthwith [or on or before the \_\_\_\_\_ day of \_\_\_\_\_], the same should be levied by distress and sale of the goods of the said A. B.

And the said A. B., although required to pay the same according to the said conviction, has not paid the same.

Therefore, you are hereby commanded, in the name of His Majesty King Edward, that you forthwith make distress of the goods of the said A. B., and if within the space of \_\_\_\_\_ days next after the making of such distress the said sums,† together with the reasonable charges of the making and keeping of the said distress, be not paid, then to sell the said goods by you distrained, and pay the money arising thereby into this Court, and if no such distress can be found, then to certify the same to this Court.

J. S. (Seal.)

[Where the person convicted is to pay costs, but no fine, omit the words between asterisks \*\* and for the word sums marked †, read sum.]

## FORM 23.

*Return of Insufficient Distress to be Indorsed on Warrant.*

(General Heading.)

I, \_\_\_\_\_, Marshal of this Court, hereby certify that, by virtue of the within-written warrant, I have made diligent search for the goods of the within-named A. B., and that I can find no sufficient goods of him whereon the sums within-mentioned can be levied.

Dated the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_  
(Signed) X. Y.

## FORM 24.—[Rule 56.]

*Warrant of Commitment for Want of Distress.*

(General Heading.)

To X. Y., Officer of this Court, and to the keeper of [ \_\_\_\_\_ ]  
prison at [ \_\_\_\_\_ ].

[Proceed as in warrant of distress (Form 22) down to the commencement of the commanding part, and then thus :—]

## [British Jurisdiction.]

And on the                      day of                      , 19                      , this Court issued a warrant to you, the above-named *X. Y.*, commanding you to levy the said sum of                      , and                      [or the said sum of                      , for costs] by distress and sale of the goods of the said *A. B.*

And it now appears to this Court, as well by the return of you, the said *X. Y.*, to the said warrant, as otherwise, that you have made diligent search for the goods of the said *A. B.*, but that no sufficient distress whereon the said sums could be levied could be found.

Therefore you are hereby commanded, in the name of His Majesty King Edward, you, the said *X. Y.*, to take the said *A. B.* and convey him safely to the prison at [                      ], and there deliver him to the keeper thereof, together with this warrant, and you, the said keeper of the said prison, to receive the said *A. B.* into your custody in the said prison, and there to imprison him [and keep him to hard labour] for the space of [                      ], unless the said sums [or sum], and all the costs and charges of the said distress [and of the commitment and conveying to the said prison of the said *A. B.*], amounting to the further sum of                      , be sooner paid.

*J. S.* (Seal.)

## FORM 25.—[Rule 56.]

*Warrant on a Conviction for a Fine for Commitment of the Person convicted in the first Instance without previous Warrant of Distress.*

(General Heading.)

To *X. Y.*, Officer of this Court, and to the keeper of [                      ] prison at [                      ].

*A. B.*, of                      , [labourer], stands convicted before this Court, by a conviction dated the                      day of                      , for that [as in conviction].

And it is in and by the said conviction adjudged that the said *A. B.* should, for his said offence, pay [as in conviction], and should also pay to the said *C. D.*, the sum of                      for his costs in that behalf.

And that if the said sums should not be paid forthwith [or on or before the                      day of                      ], the said *A. B.* should be imprisoned [and be kept to hard labour], unless the same [and the costs and charges of the conveying of the said *A. B.* to prison] should be sooner paid.

And the said *A. B.*, being required to pay the said sums according to the said conviction, has not done so.

Therefore you are hereby commanded, in the name of His Majesty King Edward, you, the above-named *X. Y.*, to take the said *A. B.*, and convey him to the prison at [                      ], and there deliver him to the keeper thereof, together with this warrant; and you, the said keeper of the said prison, to receive the said *A. B.* into your custody in the said prison, and there to imprison him [and keep him to hard labour] for the space of [                      ], unless the said several sums [and the costs and charges of the conveying of him to the said prison, amounting to the further sum of                      ] be sooner paid.

*J. S.* (Seal.)

[British Jurisdiction.]

## FORM 26.—[Rule 58.]

*Warrant of Distress for Costs to be paid by the Person making the Change on an Order for Dismissal of the Charge.*

(General Heading.)

To X. Y., Officer of this Court.

A. B., of \_\_\_\_\_, [labourer], was on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, charged before this Court for that [as in summons].

And afterwards, namely, on the \_\_\_\_\_ day of, 19\_\_\_\_, both parties appeared before this Court in order that it should hear and determine the said charge [or the said A. B., appeared before this Court, but the said C. D., although duly called, did not appear], and thereupon the matter of the said charge being duly considered by this Court [and it manifestly appearing to this Court that the said charge was not proved], this Court did dismiss the same, and adjudge that the said C. D. should pay to the said A. B. the sum of \_\_\_\_\_, for his costs in that behalf, and that if the said sum should not be paid forthwith [or on or before \_\_\_\_\_], then the same should be levied by distress and sale of the goods of the said C. D.

And the said C. D., although required to pay the same according to the said order, has not paid the same.

Therefore you are hereby commanded—

[Proceed as in the commanding part of the form of warrant of distress upon conviction, where the person convicted is to pay costs but no fine [Form 22], only substituting the name of C. D., the prosecutor, for the name of A. B., the accused, and for the word sums at the mark † the word sum.]

J. S. (Seal.)

## FORM 27.—[Rule 58.]

*Warrant for Commitment for Want of Distress in the last Case.*

(General Heading.)

To X. Y., Officer of this Court, and to the keeper of [ \_\_\_\_\_ ] prison at [ \_\_\_\_\_ ].

[Proceed as in preceding Form down to the commencement of the commanding part, and then thus :—]

And on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, this Court issued a warrant to you, the above-named X. Y. [proceed as in Form 22, only substituting the name of C. D., the prosecutor, for the name of A. B., the accused].

J. S. (Seal.)

## FORM 28.—[Rule 43.]

*Deposition.*

(General Heading.)

{ Complainant.  
  Defendant.

The deposition of \_\_\_\_\_, of \_\_\_\_\_, taken in the presence and hearing of said defendant, who stands charged that he

## [British Jurisdiction.]

did, at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_,  
19\_\_\_\_, (*as in charge*).

The said deponent saith, on his oath, that :—

Taken before me, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_; at \_\_\_\_\_, *Deponent.*  
J. S.

## FORM 29.—[Rule 45.]

*Statement of the Accused.*

(General Heading.)

Whereas \_\_\_\_\_ stands charged before His Britannic Majesty's Consular Court at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, in the year of our Lord one thousand nine hundred and \_\_\_\_\_, for that he the said \_\_\_\_\_ at \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_ (*as in charge*),

and the said charge being read to the said \_\_\_\_\_, and the witnesses for the prosecution being severally examined in his presence, the said \_\_\_\_\_ is now addressed by me as follows :—

“ Having heard the evidence, do you wish to say anything in answer to the charge ? You are not obliged to say anything unless you desire to do so ; but whatever you say will be taken down in writing, and may be given in evidence against you upon your trial. You have nothing to hope from any promise of favour, and nothing to fear from any threat that may have been held out to you to induce you to make any admission, but whatever you say will be taken down, and may be used as evidence against you at your trial.”

Whereupon the said \_\_\_\_\_ saith as follows :—

## FORM 30.—[Rule 47.]

*Warrant to Commit for Trial.*

(General Heading.)

Whereas a complaint was made on the \_\_\_\_\_ day of \_\_\_\_\_, that (*as in charge*) \_\_\_\_\_, *Complainant.*  
\_\_\_\_\_, *Defendant.*  
and \_\_\_\_\_ on the oath of \_\_\_\_\_, that (*as in charge*) \_\_\_\_\_,

This is to command you to whom this warrant is addressed to lodge the said \_\_\_\_\_, of \_\_\_\_\_ in His Britannic Majesty's Consular Prison [*or as the case may be*] at \_\_\_\_\_ there to be imprisoned by the keeper of the said prison as follows :—

And for so doing this shall be to you, and all whom it may concern, a sufficient warrant.

To \_\_\_\_\_

J. S. (Seal.)

## [British Jurisdiction.]

## FORM 31.—[Rule 47.]

*Condition of Bail to appear at Trial.*

## (General Heading.)

The condition of the within-written recognizance is such, that whereas the said *A. B.* was this day charged before me in His Britannic Majesty's Consular Court at \_\_\_\_\_ for that (*as in charge*)

if, therefore, the said *A. B.* will appear at the next Criminal Session of the Supreme Court [*or as the case may be*], and there surrender himself into the custody of the keeper of the [Civil] Prison there, and plead to such charge as may be laid against him, and take his trial upon the same, and not to depart the said Court without leave, then the said recognizance to be void. or else to stand in full force and virtue.

## FORM 32.—[Rule 48.]

*Recognizance binding Prosecutor or Witness to Prosecute or give Evidence.*

## (General Heading.)

*C. D.*, of \_\_\_\_\_, [labourer], comes personally before this Court, and acknowledges himself to owe to our Sovereign Lord King Edward the sum of \_\_\_\_\_, to be levied on his goods if he fails in the condition herein indorsed.

(Signed) *C. D.*

Before me,

*J. S.* (Seal.)*Condition indorsed.*

The condition of the within-written recognizance is as follows :

The Court has ordered that *A. B.*, of \_\_\_\_\_, [labourer], be put on his trial [*as in Form 31*].

If, therefore, the within-named *C. D.* appears before this Court [*or as the case may be*] on [\_\_\_\_\_] at [\_\_\_\_\_] \*, and then and there prosecutes the charge [*and gives evidence thereon*], \* then the said recognizance shall be void, and otherwise shall remain in full force.

[Where the recognizance is only to give evidence, substitute for the words between the asterisks \* \* the following :—and then and there gives evidence on the said charge.]

## FORM 33.—[Rule 48.]

*Notice of Recognizance to be given to Prosecutor and each of his Witnesses.*

## (General Heading.)

To *C. D.*, of \_\_\_\_\_, [labourer].

You are bound in the sum of \_\_\_\_\_ to appear before this Court on [\_\_\_\_\_] at [\_\_\_\_\_] and then and there to prosecute and give evidence against [*or to prosecute, or to give evidence against*] *A. B.*, of \_\_\_\_\_, [labourer], and unless you do so, that sum will be forthwith levied by seizure and sale of your goods.

*J. S.* (Seal.)



[British Jurisdiction.]

## FORM 34.—[Rule 37.]

*Certificate of Non-appearance to be Indorsed on the Recognizance.*

I hereby certify that the said *A. B.* hath not appeared at the time and place in the above condition mentioned, but therein hath made default, by reason whereof the within-written recognizance is forfeited.

*J. S.* (Seal.)

## FORM 35.—[Rule 48.]

*Commitment of Witness for refusing to enter into Recognizances.*

(General Heading.)

To *X. Y.*, Officer of this Court, and to the keeper of [ ]  
prison at [ ].

Complaint has been made before this Court that *A. B.*, of  
[labourer], [as in summons].

And *E. F.*, of [ ], [labourer], having been now  
examined before this Court concerning the said charge, and, being re-  
quired, refuses to enter into a recognizance to give evidence against the  
said *A. B.*

Therefore you are hereby commanded, in the name of His Majesty  
King Edward, you, the above-named *X. Y.*, to take the said *E. F.*, and  
convey him safely to the above-named prison, and there deliver him to  
the keeper thereof, with this warrant.

And you, the keeper of the said prison, to receive the said *E. F.* into  
your custody in the said prison, and to keep him there safely until after  
the trial of the said *A. B.* for the said offence, unless the said *E. F.* in the  
meantime consents to enter into such recognizance as aforesaid.

*J. S.* (Seal.)

## FORM 36.—[Rule 48.]

*Subsequent Order to discharge Witness.*

(General Heading.)

To the keeper of the prison at [ ].

Whereas, by my order, dated the [ ] day of [ ],  
19 [ ], reciting that *A. B.* was lately before then charged before me for  
a certain offence therein mentioned, and that *E. F.* having appeared  
before me, and being examined as a witness for the prosecution in that  
behalf, refused to enter into a recognizance to give evidence against the  
said *A. B.*, and I therefore thereby committed the said *E. F.* to your  
custody, and required you safely to keep him until after the trial of the  
said *A. B.* for the offence aforesaid, unless, in the meantime, he should  
enter into such recognizance as aforesaid; and whereas, for want of  
sufficient evidence against the said *A. B.*, the said *A. B.* has not been  
committed or holden to bail, for the said offence, but on the contrary  
thereof has been since discharged, and it is therefore not necessary that  
the said *E. F.* should be detained longer in your custody. These are

therefore to order and direct you, the said keeper, to discharge the said *E. F.* out of your custody as to the said commitment, and suffer him to go at large.

Given under my hand at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 19 .

(Signed) *J. S.*

FORM 37.—[Rule 52.]

*Receipt for Prisoner.*

(General Heading.)

I hereby certify that I have received from \_\_\_\_\_ the body of \_\_\_\_\_, together with a warrant under the hand of \_\_\_\_\_ Esquire, His Britannic Majesty's [Consul] at \_\_\_\_\_, and that the said prisoner was at the time he was so delivered into my custody.

This \_\_\_\_\_ day of \_\_\_\_\_, 19 . *M. N.*,  
Keeper of the \_\_\_\_\_.

FORM 38.—[Rule 40.]

*Information to Ground Search Warrant.*

(General Heading.)

*C. D.*, of \_\_\_\_\_, [labourer], sworn, complains that on the \_\_\_\_\_ day of \_\_\_\_\_, the following goods, of the value of \_\_\_\_\_, namely :

[*Here describe the goods.*]

were stolen and unlawfully carried away from and out of \_\_\_\_\_, at \_\_\_\_\_, by some person or persons unknown, and that he has reasonable cause to suspect, and does suspect, that those goods, or some of them, are concealed in [*the dwelling-house (describing it) of A. B., of \_\_\_\_\_*]; for he, the said *C. D.*, on his oath deposes and says that [*state the grounds*].

Taken and sworn before me, this \_\_\_\_\_ } *J. S.* (Seal.)  
day of \_\_\_\_\_, 19 , at \_\_\_\_\_ . }

FORM 39.—[Rule 40.]

*Search Warrant.*

(General Heading.)

To *X. Y.*, Officer, and other Officers of this Court.

Complaint has this day been made by *C. D.*, of \_\_\_\_\_ that [*copy from charge*] and it appears to this Court that, &c.

You are, therefore, hereby authorized and commanded, in the name of His Majesty King Edward, with proper assistance, to enter the [*dwelling-house*] of the said *A. B.*, and there to diligently search for

## [British Jurisdiction.]

the said goods, and if the same, or any thereof, are found on search, to bring the goods so found, and also the said *A. B.*, before the Court, to be dealt with according to law. [*In case of a search warrant for a person, E. F., under Rule 40 substitute* And there to diligently search for the said *E. F.*, and if he be found on search to bring him before the Court to be dealt with according to law.]

J. S. (Seal.)

## FORM 40.—[Rule 76.]

*Undertaking by next Friend of Infant to be responsible for Defendant's Costs.*

(General Heading.)

I, the undersigned, *E. F.*, of \_\_\_\_\_, being the next friend of *A. B.*, who is an infant, and who is desirous of entering an action in this Court against *C. D.*, of &c., hereby undertake to be responsible for the costs of the said *C. D.*, in such action, in manner following : namely, if the said *A. B.* fail to pay to the said *C. D.*, when and in such manner as the Court shall order, all such costs of such action as the Court shall direct him to pay to the said *C. D.*, I will forthwith pay the same to the Registrar of the Court.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19 .  
*E. F.*

## FORM 41.—[Rule 96.]

*Writ of Summons.*

(General Heading.)

EDWARD, by the grace of God, of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith,

To \_\_\_\_\_, of \_\_\_\_\_,

We command you to appear at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 19 , at the hour of \_\_\_\_\_ in the noon, to answer the above-named plaintiff to a claim, the particulars of which are hereunto annexed.

And take notice, that in default of your so doing the plaintiff may proceed therein, and judgment may be given in your absence.

Witness [*here insert name of the Judge of the Court by which writ is issued*] the \_\_\_\_\_ day of \_\_\_\_\_, 19 .

The plaintiff's claim is for—

(Signed)

This writ was served by me, \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_, 19 .

Indorsed the \_\_\_\_\_ day of \_\_\_\_\_, 19 .

Signed \_\_\_\_\_

Address \_\_\_\_\_

[British Jurisdiction.]

FORM 42.—[Rules 98 and 103.]

*Indorsements of Character of Parties.*

[Executors.]

The plaintiff's claim is as executor [or administrator] of *C. D.*, deceased, for, &c.

The plaintiff's claim is against the defendant *A. B.*, as executor [or, &c.] of *C. D.*, deceased, for, &c.

The plaintiff's claim is against the defendant *A. B.*, as executor of *X. Y.*, deceased, for, &c., and against the defendant *C. D.*, in his personal capacity for, &c.

[Trustee in Bankruptcy.]

The plaintiff's claim is as trustee under the bankruptcy of *A. B.* for

[Trustee.]

The plaintiff's claim is as [or the plaintiff's claim is against the defendant as] trustee under the will of *A. B.* [or under the settlement upon the marriage of *A. B.* and *X. Y.*, his wife]

FORM 43.—[Rule 111.]

*Affidavit in Support of Application for Substituted Service.*

(General Heading.)

I, *I. S.*, [address and description] make oath and say as follows:—

[State facts showing either that the summons has come to the knowledge of defendant, or that he wilfully evades service of the same. Or, that upon inquiry at his usual place of abode, or at any other place where prior to the time when the writ was entered he might probably have been met with, he could not be found so as to be served, and that in either case there is just ground to believe that he has gone out of the jurisdiction of the Court, or otherwise absconded to avoid being served.

State deponent's means of knowledge of the facts deposed to.]

Sworn, &c.

FORM 44.—[Rule 111.]

*Order for Substituted Service.*

(General Heading.)

Upon reading the affidavit of \_\_\_\_\_, of \_\_\_\_\_,  
residing at \_\_\_\_\_, sworn the \_\_\_\_\_ day of \_\_\_\_\_,  
19 \_\_\_\_\_.

It is ordered that the delivery of a sealed copy of the writ issued in this action, together with a sealed copy of this order, to some adult inmate at the usual or last known place of residence or business of the above-named defendant *C. D.*, situate and being at \_\_\_\_\_,

shall be deemed to be good and sufficient service of the said summons on the said *C. D.* on the day of such delivery.

[Or, that notice of the entry of the above-named plaint be published in the \_\_\_\_\_, and that the publication of such notice shall be deemed to be service of the summons upon the said *C. D.*]

Dated this                      day of                      , 19                      , Registrar.

FORM 45.—[Rule 111.]

*Substituted Service.—Notice in Papers.*

(General Heading.)

To *C. D.*, of

Take notice, that a summons has issued against you in the above Court by *A. B.*, of \_\_\_\_\_, for the sum of \_\_\_\_\_ for goods sold and delivered [*or as the case may be*], and an order has been made that the publication of a notice of the entry of such summons in the \_\_\_\_\_ shall be deemed to be service of the summons upon you.

The summons will be heard at \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_, at \_\_\_\_\_ o'clock in the \_\_\_\_\_ noon, on which day you are required to appear, and if you do not appear, either in person or by a legal practitioner, at the time and place above mentioned, such order will be made and proceedings taken as the Court may think just and expedient.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, Registrar.

## FORM 46.—[Rule 119.]

*Special Defence.*

(General Heading.)

[Notice of Special Defence.]

Take notice, that the defendant intends at the hearing of this action to give in evidence and rely upon the following ground of defence.

\* \* \* \* \*

Dated this                      day of                      , 19     .  
C.D.

[Legal practitioner for] the above-named defendant.  
To the Registrar of the Court.

[Infancy.]

That the defendant was an infant, within the age of 21 years, when the supposed claim arose [or the supposed contract or agreement was made], and that he was born as he believes at  
in \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_

## [Coverture.]

That the defendant is now [*or, that she was, at the time when the supposed claim arose, or the supposed contract or agreement was made*] the wife of \_\_\_\_\_, of \_\_\_\_\_. And that she was married to him at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, and that he resides at \_\_\_\_\_.

## [Statute of Limitation.]

That the claim for which the defendant is summoned is barred by a Statute of Limitation [*here set forth the Statute and the date from which it began to run*].

## [Bankruptcy.]

That the defendant is a discharged bankrupt, and obtained his order of discharge from the [*here state Court*] on the \_\_\_\_\_ day of \_\_\_\_\_ of \_\_\_\_\_.

## [Statutory Defence.]

That no notice of action was given to the defendant pursuant to \_\_\_\_\_.

## [Equitable Defence.]

Take notice, that the defendant intends at the hearing of this action to rely as a matter of defence on the statement hereunto annexed.

*Statement.*

The facts constituting the equitable defence to this action are as follows :—

(*Here set out the facts as concisely as possible, and number the paragraphs as in an affidavit.*)

## FORM 47.—[Rule 91.]

*Notice for Requisition of Names of Firms.*

## (General Heading.)

Take notice, that you are required to furnish the above-named defendant with a statement in writing, verified by affidavit, setting forth the names of the persons constituting the members or co-partners of your firm, pursuant to Rule 91 of the China and Corea Rules of Court, 1905.

Dated the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_ C. D.

[Legal Practitioner for] the above-named defendant.  
To A. B., the above-named plaintiff.

[British Jurisdiction.]

FORM 48.—[Rule 90.]

*Third Party Notice.*

(General Heading.)

To *E. F.*,

Take notice, that this action has been brought by the plaintiff against the defendant as surety for *M. N.* upon a bond conditioned for the payment of \_\_\_\_\_ to the plaintiff.

The defendant claims to be entitled to contribution from you to the extent of one-half of any sum which the plaintiff may recover against him, on the ground that you are his co-surety under the said bond.

[Or to recover damages for a breach of contract for the sale and delivery to the plaintiff of 100 *cwt. of wheat.*]

The defendant claims to be indemnified by you against liability in respect of the said contract or any breach thereof, on the ground that it was made by him on your behalf and as your agent.

And take notice, that if you wish to dispute the plaintiff's claim or your liability you must appear before the Court on the \_\_\_\_\_ at \_\_\_\_\_ o'clock, and there show cause why you should not be made a party to this action.

In default of your so appearing, judgment may be given against you.

A copy of the original summons [and of the statement of claim] is annexed hereto.

Witness [*here insert name of the judge of the Court by whom the summons is issued*] the \_\_\_\_\_ day of \_\_\_\_\_, 19 .

FORM 49.—[Rule 129.]

*Notice of Discontinuance of Action.*

(General Heading.)

Take notice, that I shall not proceed further in this action, and that I hereby withdraw from the same.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19 .  
\_\_\_\_\_, Plaintiff.

To the Registrar.

FORM 50.—[Rule 130.]

*Defendant's Statement.*

(General Heading.)

I, the undersigned defendant [*or one of the defendants*], disclaim all interest under the will of the said *E. F.*, named in the plaintiff's particulars [*or as heir-at-law of, or as next-of-kin, or one of the next-of-kin of E. F., deceased, named in the plaintiff's particulars*].

*Or* I, the undersigned defendant, state that I admit [*or deny*] (*here repeat in the language of the particulars the statements admitted or denied*).

*Or*, I, the undersigned defendant, submit that upon the facts stated in the plaintiff's particulars, it does not appear that there is any agreement which can be legally enforced; *or*, that it appears upon the

## [British Jurisdiction.]

plaintiff's particulars that I am jointly liable with one *E. F.*, who is not a party to the action, and not severally liable as by the particulars appear; *or*, that it appears by the said plaintiff's particulars that *E. H.* should have been a joint plaintiff with the said *A. B.* in the said action [*or as the case may be*].

*Or*, that the plaintiff has conveyed [*or assigned*] his interest in the said mortgage [*or equity of redemption*] to one *I. J.*, *or* that I have conveyed [*or assigned*] to *H. L.*, by way of further charge for securing the sum of \_\_\_\_\_, the equity of redemption in the property sought by the action to be foreclosed.

*Or*, that since the dissolution of the partnership the plaintiff has executed a deed under seal, whereby the plaintiff covenants to discharge all debts and liabilities of the partnership, and generally to release me from all claims and liabilities either by or to himself and others in respect of the said partnership trading [*or as the case may be*].

(Signed) *C. D.*, Defendant.

*Where filed by legal practitioner add :—*

This statement was filed by \_\_\_\_\_, of \_\_\_\_\_,  
legal practitioner for the defendant.

## [FORM 51.—[Rule 131.]

*Admission and Submission to Judgment.*

(General Heading.)

I, *C. D.*, the defendant hereto, do hereby confess and admit that [*here state particulars of plaintiff's claim admitted by defendant*], and I submit to Judgment thereupon accordingly.

*C. D.*,

The above-named defendant.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

Signed in the presence of \_\_\_\_\_,  
*E. F.*, Registrar.

## FORM 52.—[Rule 136.]

*Notice of Payment into Court.*

(General Heading.)

Take notice, that the defendant, *C. D.*, has paid into [*or transferred into, or deposited in*] Court to the credit of [*state the title of the cause or matter*] the sum of \_\_\_\_\_ [*or describe the securities transferred or deposited*] and that such sum [*or describe the securities*] represents [the balance admitted by his affidavit, filed the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_], to be in his hands on account of, &c., *or as the case may be*, and that such payment [*or transfer or deposit*] has been made [for the purpose of discharging himself thereof, *or under the order dated the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_*, as the case may be].

Dated the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

*X. Y.*, Registrar.

To *A. B.*, the above-named plaintiff.



## [British Jurisdiction.]

## FORM 53.—[Rule 136.]

*Acceptance of Sum paid into Court.*

(General Heading.)

Take notice, that the plaintiff accepts the sum of  
paid by you into Court in satisfaction of the claim in respect of which it  
is paid in.

Dated this                      day of                      19   .                      Plaintiff.

## FORM 54.—[Rule 138.]

*Interrogatories.*

(General Heading.)

Interrogatories on behalf of the above-named [plaintiff or defendant  
*C. D.*] for the examination of the above-named [defendants *E. F.* and  
*G. H.*, or plaintiff].

1. Did not, &amp;c.

2. Has not, &amp;c.

[The defendant *E. F.* is required to answer the interrogatories  
numbered                      .]

[The defendant *G. H.* is required to answer the interrogatories  
numbered                      .]

## FORM 55.—[Rule 139.]

*Affidavit of Answer.*

(General Heading.)

The answer of the above-named defendant, *C. D.*, to the interroga-  
tories for his examination by the above-named plaintiff.

In answer to the said interrogatories, I, the above-named *C. D.*, make  
oath and say as follows :—

## FORM 56.—[Rule 139.]

*Order for delivery of Interrogatories.*

(General Heading.)

Upon hearing                      , it is ordered that the                      be  
at liberty to deliver to the                      interrogatories in writing, and  
that the said                      do on or before the                      answer  
the interrogatories in writing by affidavit, and return such answers to  
me for filing on or before the                      , and that the costs of this  
application be                      .

Dated the                      day of                      , 19   .                      , Registrar.

[British Jurisdiction.]

## FORM 57.—[Rule 140.]

*Order for discovery of Documents.*

(General Heading.)

Upon hearing \_\_\_\_\_, it is ordered that the \_\_\_\_\_ do,  
 within \_\_\_\_\_ days from the date of this order, answer on affidavit,  
 stating what documents are or have been in \_\_\_\_\_ possession  
 or power relating to the matters in question in this action, and that the  
 costs of this application be \_\_\_\_\_

Dated the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

## FORM 58.—[Rule 140.]

*Affidavit of Discovery.*

(General Heading.)

I, *C. D.*, the above-named defendant, make oath and say as follows :—

1. I have in my possession or power the documents relating to the  
 matters in question in this suit set forth in the first and second parts of  
 the first Schedule hereto.

2. I object to produce the said documents set forth in the second part  
 of the said first Schedule hereto.

3. That [*here state upon what grounds the objection is made, and  
 verify the facts as far as may be*].

4. I have had, but have not now, in my possession or power, the  
 documents relating to the matters in question in this suit set forth in the  
 second Schedule hereto.

5. The last-mentioned documents were last in my possession or power  
 on [*state when*].

6. That [*here state what has become of the last-mentioned documents,  
 and in whose possession they now are*].

7. According to the best of my knowledge information and belief I  
 have not now and never had in my possession custody or power or in the  
 possession custody or power of any legal practitioner agent or other  
 person on my behalf any deed account book of account voucher receipt  
 letter memorandum paper or writing or any copy of or extract from any  
 such document, or any other document whatsoever relating to the  
 matters in question in this suit or any of them or wherein any entry  
 has been made relative to such matters or any of them, other than and  
 except the documents set forth in the said first and second Schedule  
 hereto.

First Schedule :—

Second Schedule :—

## FORM 59.—[Rule 132.]

*Notice to Admit Documents.*

(General Heading.)

Take notice, that the plaintiff [*or defendant*] in this cause proposes  
 to adduce in evidence the several documents hereunder specified, and

## [British Jurisdiction.]

that the same may be inspected by the defendant [*or* plaintiff], his legal practitioner, or agent, at \_\_\_\_\_, on \_\_\_\_\_; and the defendant [*or* plaintiff] is hereby required, within forty-eight hours from the last-mentioned hour, to admit that such of the said documents as are specified to be originals were respectively written signed or executed as they purport respectively to have been; that such as are specified as copies are true copies, and such documents as are stated to have been served sent or delivered were so served sent or delivered respectively, saving all just exceptions to the admissibility of all such documents as evidence in this cause.

Dated, &c.

(Signed)

To *E. F.*, legal practitioner [*or* agent] for defendant [*or* plaintiff].  
To *G. H.*, legal practitioner [*or* agent] for plaintiff [*or* defendant].

## FORM 60.—[Rule 133.]

*Notice to Admit Facts.*

(General Heading.)

Take notice, that the plaintiff [*or* defendant] in this cause requires the defendant [*or* plaintiff] to admit, for the purpose of this cause only, the several facts respectively hereunder specified, and the defendant [*or* plaintiff] is hereby required, within six days from the service of this notice, to admit the said several facts, saving all just exceptions to the admissibility of such facts as evidence in this cause.

Dated, &c.

*G. D.*, legal practitioner [*or* agent] for the plaintiff [*or* defendant].

To *E. F.*, legal practitioner [*or* agent] for the defendant [*or* plaintiff].

The facts, the admission of which is required, are :—

1. That John Smith died on the 1st January, 1890.
2. That he died intestate.
3. That James Smith was his lawful son.
4. That James Smith died on the 1st April, 1895.
5. That James Smith never was married.

## FORM 61.—[Rule 135.]

*Notice to Produce.*

(General Heading.)

Take notice, that the [plaintiff *or* defendant] requires you to produce for his inspection the following documents referred to in your [statement of claim, *or* defence, *or* affidavit, dated the \_\_\_\_\_ day of \_\_\_\_\_

A.D.].

[*Describe documents required.*]

*X. Y.*, legal practitioner to the

To *Z.*, legal practitioner for

[British Jurisdiction.]

## FORM 62.—[Rule 143.]

*Summons to Witness to give Evidence.*

(General Heading.)

You are hereby required to attend at [ ] on  
 , the day of , 19 , at the hour  
 of in the noon, to give evidence in the above  
 action on behalf of the [plaintiff or defendant, as the case may be].

In default of your attendance you will be liable to a penalty of

Dated this day of , 19 .  
 X. Y., Registrar.

To

## FORM 63.—[Rule 143.]

*Summons to Witness to produce Documents.*

(General Heading.)

You are hereby required to attend at  
 on , the day of , 19 , at the hour  
 of in the noon, on the hearing of the above action, to  
 give evidence on behalf of , and also to bring with you  
 and produce at the time and place aforesaid the several documents  
 hereunder specified [and all the books papers writings and other docu-  
 ments relating to the above action which may be in your custody  
 possession or power]. In default of your attendance you will be liable  
 to a penalty of

X. Y., Registrar.

To

[Here insert list of documents required to be produced.]

## FORM 64.—[Rule 145.]

*Order to produce Documents.*

(General Heading.)

EDWARD, by the grace of God, &c.

To [the names of three witnesses may be inserted].

Greeting :

We command you to attend before  
 on day, the day of , 19 , at the hour  
 of in the noon, and so from day to day until the above  
 cause is tried, to give evidence on behalf of the , and also  
 to bring with you and produce at the time and place aforesaid [specify  
 documents to be produced].

Witness, &c.

[British Jurisdiction.]

FORM 65.—[Rule 147.]

*Notice to admit Affidavits.*

(General Heading.)

Take notice, that it is intended to produce at the trial of the above cause the affidavit of \_\_\_\_\_, and to tender the same in evidence, and you are hereby required to admit the same.

A. B., Plaintiff,

or

C. D., Defendant

[as the case may be].

To C. D., Defendant,

or

A. B., Plaintiff

[as the case may be].

FORM 66.—[Rule 148.]

*Order to take Evidence "de bene esse."*

(General Heading.)

Upon hearing \_\_\_\_\_, and upon reading the affidavit of \_\_\_\_\_, filed the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, and \_\_\_\_\_, it is ordered that \_\_\_\_\_, a witness on behalf of the \_\_\_\_\_, be examined *vivâ voce* [on oath or affirmation] before the \_\_\_\_\_ [or before \_\_\_\_\_, Esquire, Special Examiner], the legal practitioner giving to the legal practitioner notice in writing of the time and place where the examination is to take place. And it is further ordered that the examination so taken be filed in the \_\_\_\_\_, and that an office copy or copies thereof may be read and given in evidence on the trial of this cause, saving all just exceptions, without any further proof of the absence of the said witness than the affidavit of the legal practitioner of the \_\_\_\_\_ as to his belief, and that the costs of this application be \_\_\_\_\_

Dated the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

FORM 67.—[Rule 150].

*Notice to Registrar of Change in Plaintiff's or Defendant's title before Judgment.*

(General Heading.)

[By Executor or Administrator.]

I hereby give you notice, that \_\_\_\_\_, the plaintiff [or defendant] in the above action, died upon the \_\_\_\_\_ day of \_\_\_\_\_, and that his last will and testament was duly proved by me in the \_\_\_\_\_ [or that letters of administration to his personal estate and effects were duly granted to me] upon the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, and that I am the executor of his said will [or that I am the administrator of the personal estate and effects of the said deceased].

[British Jurisdiction.] •

[By assignee.]

[Or, the above-named \_\_\_\_\_, by an assignment dated the \_\_\_\_\_ day of \_\_\_\_\_, duly assigned all his interest in the subject-matter of the above action to me, the undersigned.]

And further, take notice that I am desirous of being substituted as plaintiff [or defendant] in the action against the above-named \_\_\_\_\_, in the place of the said \_\_\_\_\_ [or in addition to the said plaintiff or defendant].

Dated this \_\_\_\_\_ day of \_\_\_\_\_

Signature \_\_\_\_\_

To the Registrar of the Court and to the above-named  
Plaintiff [or Defendant].

---

FORM 68.—[Rule 150.]

*Notice to Plaintiff or Defendant of Change in Plaintiff's or Defendant's title before Judgment.*

(General Heading.)

I hereby give you notice, that \_\_\_\_\_, of \_\_\_\_\_, as executor of the last will and testament of \_\_\_\_\_, deceased [or as administrator of the personal estate and effects of \_\_\_\_\_, deceased; or as assignee under an assignment dated the \_\_\_\_\_ day of \_\_\_\_\_], has this day filed an affidavit, together with a notice, a copy of which notice is hereunto annexed, stating that he is desirous of being substituted as plaintiff [or defendant] in the above action in the place of \_\_\_\_\_ [or added as plaintiff or defendant with] the above-named plaintiff [or defendant] in the above action.

And further, take notice that unless you appear at the hearing of this action upon the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock in the \_\_\_\_\_ noon, to show cause against the same, the said \_\_\_\_\_ will be substituted for [or made a joint plaintiff or defendant with] the above-named plaintiff [or defendant].

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FORM 69.—[Rule 167.]

(Seal.)

*Judgments.*

(General Heading.)

It is this day adjudged that—  
(Here enter terms of Judgment.)  
and it is further ordered that the defendant do pay the sum found to be due on taxation of plaintiff's costs herein.

---

Upon hearing this cause at a Court holden this day, it is adjudged that judgment be entered for the defendant \_\_\_\_\_, and that

[British Jurisdiction.]

the plaintiff do pay the sum of \_\_\_\_\_ for the defendant's costs. And it is ordered that the plaintiff do pay the same to the Registrar of this Court on the \_\_\_\_\_ day of \_\_\_\_\_.

Given under the seal of the Court, this \_\_\_\_\_ day of \_\_\_\_\_ 19 .

By the Court,  
\_\_\_\_\_, Registrar.

To the \_\_\_\_\_

## FORM 70.—[Rule 167.]

*Form of Judgment.*

(General Heading.)

It is this day adjudged that the plaintiff do recover against the defendant the sum of \_\_\_\_\_ for \_\_\_\_\_ and \_\_\_\_\_ for costs amounting together to the sum of \_\_\_\_\_. And it is ordered that the defendant do pay the same to the Registrar of the Court on or before \_\_\_\_\_.

Date.	Amount.	Received by

Given under the seal of the Court, this \_\_\_\_\_ day of \_\_\_\_\_, 19 .  
By the Court,  
\_\_\_\_\_, Registrar.

To the Defendant.  
\_\_\_\_\_

## FORM 71.—[Rule 170.]

*Notice of Payment into Court.*

(General Heading.)

I hereby give you notice, that the defendant has paid into Court the sum of \_\_\_\_\_ under the judgment obtained by you against him.

Dated the \_\_\_\_\_ day of \_\_\_\_\_, 19 .  
X. Y., Registrar.

[British Jurisdiction.]

## FORM 72.—[Rule 171.]

*Writ of Injunction.*

(General Heading.)

To [insert the names of the person or persons against whom the injunction is awarded].

Whereas [if awarded by a judgment say, by a certain judgment made by the above Court on the            day of           , 19   ] [but if awarded on motion say, upon motion made unto the above Court on the            day of           , 19   ], in an action wherein *A. B.* is plaintiff, and you, the said *C. D.*, are defendant, and upon [set out the recitals in the judgment or order, and as much of the mandatory part thereof as relates to the injunction].

We, therefore, in consideration of the premises, do hereby [if perpetual add, from henceforth and for ever] strictly enjoin and restrain you the said *C. D.* [your servants, agents, and workmen], under the penalty, of            [insert any nominal amount, generally double the estimated amount or value of the property in question in the action, or of the estimated damage], to be levied upon your [if more than one add, and each and every of your] lands, goods, and chattels from [repeat the mandatory part of the judgment or order relating to the injunction].

Given at           , this            day of

19   .  
*E. F.*, Consul.

## FORM 73.—[Rule 185.]

*Warrant of Sequestration.*

(General Heading.)

To\*

Greeting :

Whereas, lately in the above Court in a certain action there depending, wherein *A. B.* is plaintiff and *C. D.* and others are defendants [or in a certain matter there depending entitled "In the matter of *E. F.*"], by a judgment [or order] of the said Court made in the said action [or matter], and bearing date the            day of           , 19   , it was adjudged [or ordered] that the said *C. D.* should [here recite the judgment or order].

Know ye, therefore, that we, in confidence of your prudence and fidelity, have given, and by these presents do give, to you, or any three or two of you, full power and authority to enter upon all the messuages, lands, tenements, and real estate whatsoever of the said *C. D.*, and to collect, receive, and sequester into your hands not only all the rents and profits of his said messuages, lands, tenements, and real estate, but also all his goods, chattels, and personal estate whatsoever; and, therefore, we command you, any three or two of you, that you do at certain proper and convenient days and hours, go to and enter upon all the messuages, lands, tenements, and real estate of the said *C. D.*, and that you do collect, take, and get into your hands not only the rents and profits of his said real estate, but also all his goods, chattels, and personal estate, and detain and keep the same under sequestration in

\* This warrant must be directed to not less than four persons nominated by the party-issuing the warrant.



## [British Jurisdiction.]

your hands until the said *C. D.* shall [*here state the act to be done as in the judgment or order*] clear his contempt, and the said Court make other order to the contrary.

Given at \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_  
*E. F.*, Consul.

*Return Nulla Bona.*

[*To be indorsed on the Warrant if no effects are found.*]

To His Britannic Majesty's Consular Court at \_\_\_\_\_

By virtue of the within writ, we do certify that we have made diligent search and inquiry after the real estate and goods, chattels, and personal estate of the within-named *C. D.*, but cannot find that he is possessed of any real or personal estate that we can sequester and take into our hands, as by the within warrant we are commanded.

Witness our hands, the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_  
*X. Y.*,  
*T. Z.*,  
 Sequestrators.

*General Notice by Sequestrators.*

(General Heading.)

To *E. F.*, of \_\_\_\_\_, and to whom else it may concern.

Whereas, the above-named *C. D.* formerly carried on business at, &c., and resided at, &c., and now has offices at, &c.

Now we, the undersigned [being the sequestrators named in the writ of sequestration hereinafter set forth], hereby give you, and each and every of you, notice that a warrant of sequestration has been issued out of His Britannic Majesty's Consular Court at \_\_\_\_\_, in the words and figures following, that is to say [*here set out a copy of the warrant*], and which said warrant is indorsed as follows [*here set out a copy of the indorsement*].

And further take notice, that we require from you, and each and every of you, an account of the messuages, lands, tenements, and real estate whatsoever of the said *C. D.* in your possession, tenure, and occupation; and also an account of all his goods, chattels, and personal estate whatsoever in your possession, custody, or power; and also an account of all other the real and leasehold and other personal estate whatsoever of the said *C. D.*; and that you, and every of you, desist from aiding or abetting the said *C. D.* in disposing of the same, or any part thereof, respectively.

And take notice that we, the undersigned, require you, and each and every of you, to pay to us all rents, issues, profits, and annual proceeds, interests, dividends, and annuities, debts, and all other sum or sums of money whatsoever now due and payable from you respectively to the said *C. D.*, or which may hereafter grow or accrue due, or become owing and payable from you respectively to the said *C. D.*

Dated the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_  
*X. Y.*,  
*T. Z.*,  
 Sequestrators.

NOTE.—All communications to be addressed to \_\_\_\_\_  
 1010

[British Jurisdiction.]

FORM 74.—[Rule 187.]

### Notice of Execution.

(General Heading.)

Take notice that the warrant of execution against your goods on the judgment obtained against you in this cause is for the following amount :—

Amount for which judgment was obtained..		
Since paid by you into Court	..	..
Remaining due on judgment	..	..
Costs for issuing this warrant	..	..

Total amount to be levied .. ..

*E. F.*, Registrar.

To the above-named Defendant.

FORM 75.—[Rule 188.]

### Warrant of Execution.

(General Heading.)

Whereas, on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, the plaintiff obtained a judgment in this Court against the defendant for the sum of \_\_\_\_\_ for \_\_\_\_\_ and costs. And it was thereupon ordered by the Court that the defendant should pay the same to the Registrar on the \_\_\_\_\_. And whereas default has been made in payment according to the said order. These are, therefore, to require and order you forthwith to make and levy by distress and sale of the goods and chattels of the said defendant wheresoever they may be found within the jurisdiction of this Court (except the wearing apparel and bedding of him or his family, and the tools and implements of his trade, if any, to the value of five pounds), the sum stated at the foot of this warrant being the amount due to the plaintiff under the said order, including the costs of this execution. And also to seize and take any money or bank notes, and any cheques, bills of exchange, promissory notes, bonds, specialities, or securities for money of the defendant which may there be found, or such part or so much thereof as may be sufficient to satisfy this execution, and the costs of making and executing the same, and to pay what you have so levied to the Registrar of this Court, and make return of what you have done under this warrant immediately upon the execution thereof.

Given under the seal of the Court, this                      day of  
19                      .

By the Court,  
                    , Registrar.

To the Marshal or his lawful Deputy.

## [British Jurisdiction.]

Amount for which judgment was obtained..

Paid into .. .. .

Remaining due .. .. .

Costs of issuing this warrant .. .. .

Total amount to be levied .. .. .

*Notice.*

The goods and chattels are not to be sold until after the end of five days next following the day on which they may have been taken, unless they be of a perishable nature, or at the request of the said defendant.

Application was made to the Registrar for this warrant at  
minutes past the hour of                      in the                      noon of the  
day of                      , 19 .

## FORM 76.—[Rule 189.]

*Certificate issued under Rule 189.*

(General Heading.)

His Majesty's Court doth  
hereby certify that [*here state name, business or occupation and address of person obtaining judgment, and whether plaintiff or defendant*] on the                      day of                      , 19                      , obtained judgment against [*here state name, business or occupation and address of person against whom judgment was obtained, and whether plaintiff or defendant*] in this Court for payment of the sum of                      on account of [*here state shortly the nature of the claim with the amount of costs, if any, for which judgment was obtained*].

[*To be signed by the Registrar of the Court from which the certificate issues, and to be sealed with the seal of the Court.*]

## FORM 77.—[Rule 190.]

*Judgment Summons.*

(General Heading.)

Whereas, the plaintiff obtained a judgment against you, the above-named defendant, at a Court holden on the                      day of                      , 19                      , for the payment of                      for                      and for costs, upon which and the subsequent process issued thereon the sum of                      is now due.

You are therefore hereby summoned to appear personally in this

[British Jurisdiction.]

Court at \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at the hour of \_\_\_\_\_ in the \_\_\_\_\_ noon, to be examined by the Court, touching your estate and effects, and the circumstances under which you contracted the said debt, and as to the means and expectation you then had and as to the means you still have of discharging the said debt, and as to the disposal you may have made of any property, and also to show cause why you should not be committed to prison for such default.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.  
X. Y., Registrar.

Amount of judgment or order, including costs

£ s. d.

Cost of warrant against the goods (if any) ..  
Cost of previous judgment summonses,  
hearing and commitments (if any) ..  
Costs of this summons .. ..  
Paid into Court .. ..  
Amount unpaid and due on judgment ..  
Deduct amount of instalments at \_\_\_\_\_ per  
month, which were not required to have  
been paid before the date of the summons  
Amount upon the payment of which no  
further proceedings can be had until  
default of payment of next instalment ..

## FORM 78.—[Rule 190.]

*Order for Payment by Instalments on a Judgment Summons.*

(General Heading.)

Whereas, the plaintiff obtained a judgment of this Court against the defendant for the sum of \_\_\_\_\_ for \_\_\_\_\_ and costs, upon which judgment and the subsequent process issued thereon the sum of \_\_\_\_\_ is still due.

And whereas, a summons was at the instance of the plaintiff duly issued out of this Court, by which the defendant was required to appear personally at this Court this day to answer such questions as might be put to him, pursuant to \_\_\_\_\_ in relation to such \_\_\_\_\_.

It is ordered that the defendant do pay the amount still remaining due on the judgment, and the costs of the said summons and its hearing, as stated at the foot of this order, to the Registrar of this Court by instalments of \_\_\_\_\_ for every \_\_\_\_\_ days, the first payment to be made on \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_. In case default be made in payment of any one of such instalments, and execution issue, it shall be for the whole of the above amount then remaining due.

## ACKNOWLEDGMENT of Payment into Court.

Date.	Amount.	Received by

Given under the seal of this Court, this                      day of                      ,  
19                      .

By the Court,  
                    , Registrar.

Amount remaining due                      ..                      ..  
Cost of judgment summons and hearing                      ..

## FORM 79.—[Rule 195.]

*Warrant of Commitment where Judgment Debtor appears.*

(General Heading.)

To the Marshal or his lawful Deputies, and to the keeper of the prison  
at

Whereas, the plaintiff obtained a                      against the defendant  
on the                      day of                      , 19                      , for the payment of  
                    for                      and costs, upon which  
and the subsequent process issued thereon the sum of  
was at the date of the issuing of the summons hereinafter mentioned and  
is still due ;

And whereas, a summons was, at the instance of the plaintiff, duly  
issued out of this Court, by which the defendant was duly required to  
appear on the                      day of                      , 19                      , to answer such  
questions as might be put to him in relation to such                      ;  
which summons was proved to have been personally and duly served on  
the defendant ;

And whereas, this Court at the hearing of the said summons ordered  
that the defendant should be committed to prison for                      days  
for

These are therefore to require you, the said Marshal and others, to  
take the defendant and to deliver him to the keeper of the prison at  
                    , and you, the said keeper, to receive the defendant,  
and him safely keep in the said prison for                      days from the  
arrest under this warrant, or until he shall be sooner discharged by due  
course of law.

Given under the seal of the Court, this                      day of                      ,  
19                      .

                    , Registrar.

## [British Jurisdiction.]

Amount of judgment or order, including costs ..  
 Costs of warrant against the goods, if any ..  
 Costs of previous judgment summonses, hearing,  
 and commitments .. .. .

Paid into Court .. .. .

Amount unpaid and due on judgment .. ..  
 Deduct amount of instalments at .. per  
 month, which were not required to have been  
 paid before the date of this warrant .. ..

Amount upon the payment of which the prisoner  
 is to be discharged .. .. .

This warrant remains in force one year from the date hereof.

## FORM 80.—[Rule 195.]

*Warrant of Commitment where Judgment Debtor does not appear.*

## (General Heading.)

To the Marshal or his lawful Deputies, and to the keeper of the prison  
 at

Whereas, the plaintiff obtained a .. against the defendant  
 on the .. day of .., 19 .., for the payment of  
 for .. and costs, upon which  
 and the subsequent process issued thereon, the sum of .. was  
 at the date of the issuing of the summons hereinafter mentioned and still  
 is due.

And whereas, a summons was, at the instance of the plaintiff, duly  
 issued out of this Court, by which the defendant was duly required to  
 appear on the .. day of .., 19 .., to answer such  
 questions as might be put to him in relation to such ..,  
 which summons was proved to have been personally and duly served on  
 the defendant.

And whereas, the defendant did not attend as required by the said  
 summons, or allege any sufficient excuse for not so attending, and there-  
 upon it was ordered by the Court that the defendant should be com-  
 mitted, for the term of .. days, to the prison at ..

These are therefore to require you, the said Marshal and others, to  
 take the defendant, and to deliver him to the keeper of the prison at ..  
 , and you, the said keeper, are hereby required to receive  
 the defendant, and him safely keep in the said prison for  
 days from the arrest under this warrant, or until he shall be sooner dis-  
 charged.

Given under the seal of the Court, this .. day of ..,  
 19 ..

, Registrar.

## [British Jurisdiction.]

Amount of judgment or order, including costs ..  
 Costs of warrant against the goods, if any ..  
 Costs of previous judgment summonses, hearing,  
 and commitments .. .. .

Paid into Court .. .. .

Amount unpaid and due on judgment .. ..  
 Deduct amount of instalments at .. per  
 month, which were not required to have been  
 paid before the date of this warrant .. ..

Amount upon the payment of which the prisoner  
 is to be discharged .. .. .

This warrant remains in force one year from the date hereof.

## FORM 81.—[Rule 195.]

Seal.)

*Certificate to Discharge Prisoner.*

(General Heading.)

I hereby certify that the defendant, who was committed to your custody by virtue of a warrant of commitment under the seal of this Court, bearing date the       day of       , 19       , has paid and satisfied the sum of money for the non-payment whereof he was so committed, together with all costs due and payable by him in respect thereof; and that the defendant may, in respect of such warrant, be forthwith discharged out of your custody.

Given under the seal of the Court, this       day  
 of       , 19       .

By leave of the said Court,  
 X. Y., Registrar.

To the keeper of the prison at       .

## FORM 82.—[Rule 203.]

*Interpleader Summons.*

(General Heading.)

Let the above-named plaintiff, or his legal practitioner, and also Mr. E. F., of       , attend at the Court at       on       , the       day of       , 19       , at       of the clock in the       noon, on the hearing of an application on the part of the defendant that the said E. F. may be ordered to state to the Court the nature and particulars of his claim to [here describe the property or thing the right to which is in question] the subject-matter of this action, and either to maintain or to relinquish his said claim; and that the costs of the said defendant, C. D., of this

## [British Jurisdiction.]

action, including the costs of this application, may be taxed. And that the said defendant, *C. D.*, may be at liberty, out of the sum of in his hands, the subject-matter of this action, to retain the amount of the said costs when taxed and certified, without prejudice to the question by whom the same costs are ultimately to be borne. And that the said defendant, *C. D.*, may be at liberty to pay the residue of the said sum of after retaining thereout the amount of the said costs to the credit of this action. And that upon such payment into Court being made as aforesaid, all further proceedings in this action may be stayed as against the said defendant, *C. D.*, and that such further order may be made for the purpose of determining the rights of the plaintiff and of the said *E. F.* in the residue of the said sum of , the subject-matter of this action, as may appear to be just and reasonable.

Given at , the day of , 19 .  
X. Y., Registrar.

[Where no action is commenced, this form is to be varied by references to the parties by their names only, the claimants being *A. B.* and *E. F.*, and the garnishee *C. D.*]

## FORM 83.—[Rule 204.]

*Summons in Interpleader by the Marshal.*

## (General Heading.)

Let the above-named plaintiff, the judgment creditor, or his legal practitioner, and also Mr. *E. F.*, of , attend at the Court at on , the day of , 19 , at of the clock in the noon, on the hearing of an application on the part of the Marshal of , that the said plaintiff and the said *E. F.* may be ordered to state the nature and particulars of their respective claims to the goods and chattels seized by the said Marshal of , under the writ of *feri facias* issued in this action, and either to maintain or to relinquish their said claims, and that such order may be made for the adjustment of the said claims and for the relief and protection of the said Marshal as shall appear to be just.

Given at , the day of , 19 .  
X. Y., Registrar.

## FORM 84.—[Rule 212.]

*Order of Reference.*

## (General Heading.)

Whereas, by an agreement in writing, dated the day of , 19 , and made between *A. B.*, of , of the one part, and *C. D.*, of , of the other part, it was agreed that all disputes and matters between the said *A. B.* and the said *C. D.* should be referred to the arbitrament and final determination of two fit and indifferent persons, to be elected and chosen, one by the said *A. B.*



## [British Jurisdiction.]

and the other by the said *C. D.* And the said *A. B.* having nominated and appointed *X. Y.*, of \_\_\_\_\_, and the said *C. D.* having nominated *T. Z.*, of \_\_\_\_\_, to be the Arbitrators on their respective parts to settle and determine all disputes and matters in difference between them, all such disputes and matters in difference are hereby referred to the said *X. Y.* and *T. Z.* accordingly.

Given at \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_ 19 .  
*M. N.*, Consul.

## FORM 85.—[Rule 213.]

*Form of Award.*

To all to whom these presents shall come :

We, *X. Y.* and *T. Z.*, of \_\_\_\_\_, send greeting :

Whereas [*recite the agreement or submission, or so much of its terms as may be essential to show the authority of the Arbitrator or Umpire with respect to the subject-matter of reference and the time, power of enlargement, and manner of making the award. Recite the enlargements, if any, and continue thus :*]

Now, know ye that we, the said *X. Y.* and *T. Z.*, having taken upon ourselves the burden of the said arbitration, and having heard and duly considered all the allegations and evidence of the said respective parties of and concerning the said matters in difference and so referred as aforesaid, do make and publish this our award in writing of and concerning the said matters so referred to us ; and do hereby award [*insert a distinct statement of the Arbitrators' decision on all the points referred to them*].

In witness whereof, we have hereunto set our hands and seals, this  
 day of \_\_\_\_\_, 19 .

*X. Y.* (Seal.)

*T. Z.* (Seal.)

Signed, sealed, and delivered by the said *X. Y.* and *T. Z.*, in the presence of—

*G. H.*, of [ \_\_\_\_\_ ].

## FORM 86.—[Rule 216.]

*Notice of Publication of Award.*

In the matter of an arbitration between *A. B.* and *C. D.*  
 Gentlemen,

We hereby give you notice, that we have made and published our award in writing in this matter, and that it lies at ready to be delivered upon payment of our charges, amounting to

Dated the \_\_\_\_\_ day of \_\_\_\_\_, 19 .

*X. Y.*  
*T. Z.*

To *A. B.* and *C. D.*

## FORM 87.—[Rule 220.]

*Notice to Judgment Debtor to attend and be Examined.*

(General Heading.)

To the above-named *C. D.*

Take notice, that you are hereby required, in obedience to the order made in this action and dated the            day of           , 19   , to attend before this Court at           , on            day, the            day of           , 19   , at            of the clock in the            noon, for the purpose of being examined *viva voce* and on oath as to your means, and as to the debts due and owing and accruing due to you. And further, take notice that, in further obedience to the said order, you are hereby required to bring with you and to produce to the said Court upon such examination all books, accounts, and other documents in your possession, custody, or power, in any way relating, or containing any entry relating, to such debts.

Dated the            day of           , 19   .            X. Y., Registrar.

## FORM 88.—[Rule 221.]

*Garnishee Summons.*

(General Heading.)

Whereas, the plaintiff, at a Court holden on the            day of           , 19   , obtained a judgment against            for the sum of            for            and costs, which judgment remains unsatisfied. And whereas, the plaintiff having filed an affidavit stating that you are indebted to the said           , you are hereby summoned to appear at a Court holden at           , on the            day of           , 19   , at the hour of            in the            noon, to show cause why an order should not be made upon you for the payment of the amount of the said judgment, or so much thereof as shall equal the amount of the debts due and owing and accruing from you to the said           .

And take notice, that, from and after the service of the summons upon you, all such debts are attached to answer the said judgment, and that, if you shall pay the said debts to the said           , or otherwise dispose of them, you will be liable to be committed for contempt.

And further take notice, that if you shall pay to the Registrar of the Court the amount of such debts, or so much thereof as will satisfy the judgment debt, two clear days before the day you are required to appear, you will incur no costs.

Dated this            day of           , 19   .            X. Y., Registrar.

To *E. F.*,  
The Garnishee.

[British Jurisdiction.]

## FORM 89.—[Rule 239.]

### Notice of Proposed Sureties.

'(General Heading.)

Take notice, that the sureties whom I propose as my security in the above action [here state the proceeding which has rendered the sureties necessary] are [here state the full name and description and address of each surety.]

Dated this                  day of                  , 19   .  
To the                  .

FORM 90.—[Rule 239.]

*Notice by Registrar of Day and Hour upon which Bond is to be Executed.*

(General Heading.)

Take notice, that I have appointed \_\_\_\_\_, the  
day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock in the \_\_\_\_\_ noon, at my office,  
for the \_\_\_\_\_ and his sureties to execute the bond proposed to  
be given in the above action.

[To be added to notice to obligee : And further take notice, that if you have any valid objection to make to the sureties, or either of them, such objection must then be made.]

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_,  
\_\_\_\_\_, Registrar of the Court.

To the Plaintiff [or Defendant].

FORM 91.—[Rule 239.]

*Affidavit of Sufficiency.*

(General Heading.)

I, \_\_\_\_\_, of \_\_\_\_\_, one of the sureties for the defendant, make oath and say, that I am a householder residing at [describing particularly the city, street, or place, and the number of the house, if any] ; that I am worth property to the amount of \_\_\_\_\_, [the amount required by the practice of the Court] over and above what will pay my just debts [if security in any other action or for any other purpose add, and every other sum for which I am now security] ; that I am not bail or security in any other action or proceeding, or for any other person [or if security in any other action or actions, add, except for C. D., at the suit of E. F., in the Court of \_\_\_\_\_, in the sum of \_\_\_\_\_ ; for G. H., at the suit of I. K., in the Court of \_\_\_\_\_, in the sum of \_\_\_\_\_, specifying the several actions with the Courts in which they are brought, and the sums in which he has become bound] ; that this my property, to the amount of the said sum of \_\_\_\_\_ [and if security in any other action, &c., over and above all other sums for which I am now security as aforesaid] consists of [here specify the nature and value of the property in respect of which the deponent proposes to become bondsman, as follows] stock in trade, in my

## [British Jurisdiction.]

business of \_\_\_\_\_, carried on by me at \_\_\_\_\_, of the  
 value of \_\_\_\_\_, of good book debts owing to me to the amount  
 of \_\_\_\_\_, of furniture in my house at \_\_\_\_\_, of  
 the value of \_\_\_\_\_, of a dwelling-house of the value of \_\_\_\_\_,  
 situate at \_\_\_\_\_, occupied by \_\_\_\_\_, [or of other property,  
*particularizing each description of property with the value thereof*], and  
 that I have for the last six months resided at  
 [describing the place of such residence, or if he has had more than one  
 residence during that period, state it in the same manner as above directed].

## FORM 92.—[Rule 261.]

*Judgment in Detinue.*

(General Heading.)

This action coming on for trial this day before this Court [with  
 Assessors], in the presence of the plaintiff and the defendant, it is this  
 day adjudged that the plaintiff recover against the defendant the follow-  
 ing chattels, that is to say [*here enumerate the chattels*], or the sum  
 of \_\_\_\_\_, their value, and also damages for the detention thereof  
 in the sum of \_\_\_\_\_, and costs to be taxed.

## FORM 93.—[Rule 262.]

*Warrant of Delivery.*

(General Heading.)

To the Marshal of His Britannic Majesty's Consular Court at

Greeting :

We command you, that without delay you cause the following  
 chattels, that is to say [*here enumerate the chattels named in the judg-  
 ment*], to be returned to A. B., which the said A. B. lately in this Court  
 recovered against C. D. [or which C. D. was ordered to deliver to the  
 said A. B.] in an action in the said Court. And we further command  
 you, that if the said chattels cannot be found within the jurisdiction of  
 the Court, you distrain the said C. D. by all his lands and chattels  
 within the jurisdiction, so that neither the said C. D. nor any one for  
 him do lay hands on the same until the said C. D. render to the said  
 A. B. the said chattels ; and in what manner you shall have executed  
 this warrant make appear in the said Court immediately after the execu-  
 tion hereof, and have you there then this warrant.

Witness my hand at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.  
 M. N., Consul.

## FORM 94.—[Rule 263, 264.]

*Form of Special Case.*

(General Heading.)

Special case stated by consent [or by order, dated \_\_\_\_\_ day of \_\_\_\_\_,  
 19 \_\_\_\_] for the opinion of the Supreme Court [or as the

## [British Jurisdiction.]

*case may be*] pursuant to the Rule 263 [or 264] of the China and Corea Rules of Court, 1905.

- 1.— (*Here state concisely, in paragraphs numbered consecutively,*
- 2.— *such facts and documents as may be necessary to enable the*
- 3.— *Court to decide the questions raised.*)
- 4.—

The questions submitted for the opinion of the Supreme Court are :—

1. Whether, &c.
2. Whether, &c.

*A. B.*, Plaintiff, — [or their legal  
*C. D.*, Defendant, — practitioner.]

This special case is filed by *E. F.*, of \_\_\_\_\_, legal practitioner for the above-named plaintiff [or by *A. B.*, the above-named plaintiff, in person].

---

PROBATE AND ADMINISTRATION.

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FORM 95.—[Rule 280.]

*Petition for Probate.*

(General Heading.)

In the goods of \_\_\_\_\_, deceased.

The humble petition of *A. B.*, of \_\_\_\_\_,

Sheweth :

1. That the said \_\_\_\_\_, late of \_\_\_\_\_, made his last will and testament, dated the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, duly executed and attested, and thereof appointed your petitioner executor.

2. That the said testat \_\_\_\_\_ died in \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, without revoking or altering \_\_\_\_\_ said will.

3. The said testat \_\_\_\_\_ left personal estate and effects, rights, and credits in \_\_\_\_\_, and your petitioner is desirous to obtain probate of \_\_\_\_\_ said will.

Your petitioner humbly prays that probate of the said will of the said testat \_\_\_\_\_ may be granted to \_\_\_\_\_, and that such will may be approved and registered in the usual manner.

And your petitioner will ever pray, &c.

*A. B.*

19 \_\_\_\_

---

FORM 96.—[Rule 280.]

*Petition for Administration.*

(General Heading.)

In the goods of \_\_\_\_\_, deceased.

The humble petition of \_\_\_\_\_, of \_\_\_\_\_,

Sheweth :

1. That your petitioner is \_\_\_\_\_ of the said late \_\_\_\_\_, who died intestate in \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

## [British Jurisdiction.]

2. That the said \_\_\_\_\_ left h \_\_\_\_\_ surviving your petitioner his and \_\_\_\_\_
3. That the said \_\_\_\_\_ left personal estate and effects within the jurisdiction of this Court, which are yet unadministered.
4. That your petitioner is above the age of 21 years, and is resident in \_\_\_\_\_, and is desirous to take out letters of administration to the estate and effects of the said deceased.

Wherefore, your petitioner humbly prays that letters of administration of all and singular the personal estate and effects, rights, and credits in \_\_\_\_\_, which were of the said late \_\_\_\_\_, may be granted to your petitioner on the usual terms and conditions.

And your petitioner will ever pray, &c.

19 .

## FORM 97.—[Rule 280.]

*Petition for Administration with Will annexed.*

(General Heading.)

In the goods of \_\_\_\_\_, deceased.

The humble petition of A. B., of \_\_\_\_\_

Sheweth :

1. That \_\_\_\_\_, late of \_\_\_\_\_, made \_\_\_\_\_ last will and testament in writing, dated the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_, duly executed and attested, and whereof he appointed A. B., of \_\_\_\_\_ and C. D., of \_\_\_\_\_, executors.

2. The said C. D. is now dead.

3. The said testat \_\_\_\_\_ died at \_\_\_\_\_, in \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_, without having revoked or altered said will.

4. The said testat \_\_\_\_\_ left personal estate and effects in \_\_\_\_\_, and your petitioner, as such surviving execut \_\_\_\_\_ by \_\_\_\_\_ said will, is desirous that letters of administration with the said will annexed may be granted to h \_\_\_\_\_.

Your petitioner therefore humbly prays that letters of administration with the said will of the said testat \_\_\_\_\_ annexed may be granted to h \_\_\_\_\_ by this Court.

And your petitioner will ever pray, &c.

A. B.

, 19 .

## FORM 98.

*Affidavit of Attesting Witness in proof of due Execution of Will or Codicil.\**

(General Heading.)

I, C. D., of \_\_\_\_\_, make oath and say that I am one of the subscribing witnesses to the last will [or codicil], as the case may be] of A. B., late of \_\_\_\_\_, deceased, the same being now hereto annexed, bearing date \_\_\_\_\_, and that the

\* To be required when there is not a formal and regular attestation clause.

## [British Jurisdiction.]

testator executed the said will [or codicil] on the day of the date thereof, by signing his name at the foot or end thereof [or in the testimonium clause thereof, or in the attestation clause thereto, *as the case may be*], and the same now appears thereon (\*\*) in the presence of me and of the other subscribing witness thereto, both of us being present at the same time, and we thereupon, attested and subscribed the said will [or codicil] in the presence of the testator.

C. D.

(Jurat.)

\*\* *If the signature is in the testimonium clause or attestation clause, insert* :—intending the same for his final signature to his will.

## FORM 99.

*Oath for Executor.*

(General Heading.)

I, C. D., of \_\_\_\_\_, make oath and say as follows :—

1. I believe the paper writing [or the paper writings] hereto annexed and marked by me (\*) to contain the true and original last will [or last will with \_\_\_\_\_ codicils] of A. B., late of \_\_\_\_\_, deceased.

2. I am the sole executor [or one of the executors] therein named [or executor according to the tenour thereof, executor during life, executrix during widowhood, *or as the case may be*].

3. I will faithfully administer the personal property of the testator by paying his just debts and the legacies given by his will [or will and \_\_\_\_\_ codicils] so far as his personal property shall extend and the law bind me.

4. I will exhibit an inventory, and render an account of my executorship whenever lawfully required.

5. The testator died at \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

6. At the time of his death he had his fixed place of abode at \_\_\_\_\_ within the district of this Court.

7. The whole of his personal property does not amount in value to the sum of \_\_\_\_\_ pounds, to the best of my knowledge, information, and belief.

C. D.

(Jurat.)

\* Each testamentary paper to be marked by the persons sworn and the persons administering the oath.

Where more executors than one are appointed, and all are not sworn, a memorandum should be made in the margin of the oath that power is to be reserved to the other executors or executor or that they have or he has renounced.

## FORM 100.

*Oath for Administrator with Will annexed.*

(General Heading.)

I, C. D., of , make oath and say as follows :—

1. I believe the paper writing [or paper writings] hereto annexed and marked by me (\*) to contain the true and original last will [or last will with codicils] of A. B., late of , deceased.

2. The executor therein named is dead without having taken probate thereof [or as the case may be].

3. I am the residuary legatee in trust named therein [or as the case may be].

4. I will faithfully administer the personal property of the testator, by paying his just debts and the legacies given by his will [or will and codicils], so far as his personal property shall extend and the law bind me, and distributing the residue of his personal property according to law.

5. I will exhibit an inventory and render an account of my administration whenever lawfully required.

6. The testator died at , on the , 19 .

7. At the time of his death he had his fixed place of abode at , within the jurisdiction of this Court.

8. The whole of his personal property does not amount in value to the sum of pounds, to the best of my knowledge, information, and belief.

(Jurat.) C. D.

\* Each testamentary paper is to be marked by the persons sworn and the person administering the oath.

## FORM 101.

*Oath for Administrator (not with Will annexed).*

(General Heading.)

I, C. D., of , make oath and say as follows :—

1. A. B., late of , deceased, died intestate, a bachelor, without parent, brother or sister, uncle or aunt, nephew or niece.

2. I am his lawful cousin german, and one of his next of kin [*this must be altered in accordance with the circumstances of the case*].

3. I will faithfully administer the personal property of the deceased by paying his just debts, and distributing the residue of his property according to law.

4. I will exhibit an inventory, and render an account of my administration whenever lawfully required.

5. The deceased died at , on the , 19 .

6. At the time of his death he had his fixed place of abode at , within the district of this Court.

7. The whole of his personal property does not amount in value to the sum of pounds, to the best of my knowledge, information and belief.

(Jurat.) C. D.



## [British Jurisdiction.]

## FORM 102.—[Rule 280.]

*Citation for Probate.*

(General Heading.)

19 .

In virtue of an order of His Majesty's said Court, bearing date this day, I do hereby monish and cite all and all manner of persons to appear in the said Court in ten days from the date hereof, and show cause, if any, they have, why the last will and testament of deceased, should not be proved, approved, and registered, and letters executorial thereof granted to , named therein, as, in default thereof, the Court will proceed to grant the same accordingly.

, Registrar,  
His Britannic Majesty's Consular Court at .

## FORM 103.—[Rule 280.]

*Citation for Letters of Administration.*

(General Heading.)

19 .

In virtue of an order of His Majesty's said Court, bearing date this day, I do hereby monish and cite all and all manner of persons to appear in the said Court in ten days from the date hereof, and show cause, if any they have, why letters of administration of all and singular the goods, chattels, rights, and credits of should not be granted unto , as, in default thereof, the Court will proceed to grant the same accordingly.

, Registrar,  
His Britannic Majesty's Consular Court at .

## FORM 104.—[Rule 281.]

*Probate.*

(General Heading.)

In the goods of , deceased.  
Be it known that on the day of , in the year of our Lord 19 , the last will and testament of , deceased, who died at , on or about the day of , 19 , was proved and registered in His Britannic Majesty's Consular Court at , and that administration of all and singular the personal estate and effects of the said deceased within the jurisdiction of His Majesty's Supreme Court for China and Corea, was granted by the aforesaid Court to , the named in the said will the said having been first sworn well and

1026

## [British Jurisdiction.]

faithfully to administer the same by paying the just debts of the deceased and the legacies contained in                      said will so far as thereunto bound by law, and to exhibit a true and perfect inventory of all and singular the said estate and effects, and to render a just and true account thereof whenever required by law so to do.

By the Court,  
Registrar.

## FORM 105.—[Rule 281.]

*Letters of Administration.*

(General Heading.)

In the goods of                      , deceased.  
Be it known, that on the                      day of                      , in the year of our Lord 19                      , letters of administration of all and singular the personal estate and effects within the jurisdiction of His Majesty's Supreme Court for China and Corea, of                      , late of                      , deceased, who died at                      , on or about the                      day of                      , 19                      , intestate, were granted by His Britannic Majesty's Consular Court at                      to                      , the said                      having been first sworn, and having entered into security well and faithfully to administer the same by paying the just debts of the deceased, and distributing the residue of                      personal estate and effects according to law, and to exhibit a true and perfect inventory of all and singular the said estate and effects, and to render a just and true account thereof whenever required by law so to do.

By the Court,  
Registrar.

## FORM 106.—[Rule 277.]

*Letters of Administration with Will annexed.*

(General Heading.)

Sworn under £                      and that                      the testator died on or about                      the                      day of                      , 19                      .  
Be it known, that A. B., late of                      , deceased, who died on the                      day of                      , at                      , and who had at the time of his death his fixed place of abode at                      within the district of this Court, made and duly executed his last will [or his last will with                      codicils thereto], and did therein name [according to the facts];  
And be it further known, that on the                      day of                      , 19                      , letters of administration with the said will [and codicils] annexed of the personal property of the deceased were granted by this Court to C. D. [insert the character in which the grant is taken], he having been first duly sworn.

(Seal.)

## FORM 107.

### *Double Probate.*

(General Heading.)

Sworn under £                      and that  
the testator died on or about the                      day of  
19                      ,  
Be it known, that on the                      day of  
19                      , the last will [with                      codicils] of A. B., late of  
                    , deceased, who died on  
at                      , and who at the time of his death had  
his fixed place of abode at                      , within  
the district of this Court, was proved and registered in this  
Court, and that administration of his personal property, and any  
way concerning his will, was granted by this Court to C. D., one  
of the executors named in the said will [*or* codicil], he having  
been first duly sworn, power being reserved of making the like  
grant to E. F., the other executor named in the said will.  
And be it further known, that on the                      day of  
                    , 19                      , the said will of the said deceased was  
also proved in this Court, and that the like administration was  
granted by this Court to the said E. F., he having been first  
duly sworn.

(Seal.)  
Former grant January 19                      , under the same sum.

## FORM 108.

*Letters of Administration of Goods not already Administered.*

(General Heading.)

Be it known that *A. B.*, late of \_\_\_\_\_, deceased, died on \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_, intestate and had at the time of his death his fixed place of abode at \_\_\_\_\_, within the district of this Court, and that since his death, namely on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, letters of administration of his personal property were granted by this Court to *C. D.* [*insert the relationship or character of administrator*] (which letters of administration now remain on record in this Court), who, after taking such administration upon him, partly administered the personal property of the deceased, and afterwards, namely on \_\_\_\_\_, died, leaving part thereof unadministered, and that on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, letters of administration of the personal property so left unadministered were granted by this Court to \_\_\_\_\_, he having been first duly sworn.

(Seal.)

[British Jurisdiction.]

FORM 109.—[Rule 285.]

*Administration Bond.*

(General Heading.)

Know all men by these presents, that we, *A. B.*, of  
*C. D.*, of , and *E. F.*, of , are  
become bound unto His Majesty the King of the United Kingdom of  
Great Britain and Ireland, in the sum of , to be paid  
unto his said Majesty, his heirs and successors, or his or their certain  
attorney, for which payment well and truly to be made we bind ourselves,  
jointly and severally, for the whole and in the whole, our, and each of our  
heirs, executors, and administrators, firmly by these presents.

Sealed with our seals, dated at , this day of  
, in the year of our Lord 19 .

The condition of this obligation is such that if the above bounden  
*A. B.*, and administrat of all and singular the  
goods, chattels, and effects of the said deceased, do, make, or cause to be  
made, a true and perfect inventory of all and singular the goods, chattels,  
and effects of the said deceased, which have or shall come to the hands,  
possession, or knowledge of , or into the hands  
and possession of any other person, or persons, for , and the  
same, so made, do exhibit, or cause to be exhibited, in the registry  
of His Britannic Majesty's Consular Court at , on or before  
the day next ensuing, and the same goods,  
chattels, credits, and effects, and all other goods, chattels, credits, and  
effects of the said deceased, at the time of death, or which at  
any time afterwards shall come to the hands or possession of the said  
*A. B.*, or into the hands or possession of any other person or persons for  
, do and shall well and truly administer according to law,  
and further, do and shall make, or cause to be made, a true and just  
account of said administration whenever required by law so to do.

And all the rest and residue of the said goods, chattels, credits, and  
effects which shall be found remaining upon the said administration  
accounts (the same being first examined and allowed by the said Court),  
shall and do pay and dispose of unto such person or persons respec-  
tively, as the said Court by their Decree or sentence (pursuant to the  
true intent and meaning of the Statute of Distribution or other law  
applicable) shall limit and appoint ; and, if it shall appear hereafter that  
any last will and testament was made by the deceased and the executor,  
or executors, therein named, do exhibit the same in the said Court,  
making request to have it allowed and approved accordingly, if the  
said *A. B.*, being thereunto required, do render and deliver the said  
letters of administration (approbation of such testament being first had  
and made) into the said Court, then this obligation to be void and of  
none effect, or else to remain in full force and virtue.

Signed, sealed, and delivered, in the presence of

[British Jurisdiction.]

## FORM 110.

*Justification of Sureties.*

(General Heading.)

We, *C. D.*, of \_\_\_\_\_, and *E. F.*, of \_\_\_\_\_, severally make oath and say that we are the proposed sureties in the penal sum of \_\_\_\_\_ pounds on behalf of *G. H.*, the intended administrator of the personal property of *A. B.*, late of \_\_\_\_\_, deceased, for his faithful administration thereof; and I, the said *C. D.*, for myself, make oath and say that I am, after payment of all my debts, well and truly worth in money and effects the sum of \_\_\_\_\_; and I, the said *E. F.*, for myself, make oath and say that I am, after payment of all my just debts, well and truly worth in money and effects the sum of \_\_\_\_\_ pounds.

Sworn by the deponents, *C. D.* and *E. F.*, at \_\_\_\_\_, this day of \_\_\_\_\_, 19 \_\_\_\_.

Before me, *G. H.*

*A. B.*  
*C. D.*

## FORM 111.

*Renunciation of Probate and Administration with Will annexed.*

(General Heading.)

Whereas *A. B.*, late of \_\_\_\_\_, deceased, died on the day of \_\_\_\_\_ at \_\_\_\_\_, having at the time of his death his fixed place of abode at \_\_\_\_\_, within the district of this Court; and whereas he made and duly executed his last will, dated the day of \_\_\_\_\_, 19 \_\_\_\_,\* and thereof appointed *C. D.* executor and residuary legatee in trust [*or as the case may be*]:

Now I, the said *C. D.*, do hereby declare that I have not intermeddled, in the personal property of the deceased, and will not hereafter intermeddle therein, with intent to defraud creditors, or any person interested in the administration or distribution of the property of the deceased; and further do hereby expressly renounce all right to probate of the said will [and codicils, *if any*], and to administration with the said will [and codicils, *if any*] annexed, of the personal property of the deceased.

In witness whereof I have hereto set my hand and seal the day above written.

*C. D.* (L.S.)

Signed, sealed, and delivered by the above-named *C. D.* in the presence of

*G. H.*

\* If there are codicils, their dates should be also inserted.

## FORM 112.—[Rule 293.]

*Notice to prohibit Grant of Probate or Administration.*

(General Heading.)

To

Let nothing be done in the matter of *A. B.*, late of  
deceased, who died on the       day of       , at       , and  
had at the time of his death his fixed place of abode at  
within the district of this Court, without warning being given to *C. D.*,  
of       , [or to *E. F.*, of       , the legal practitioner  
of *G. H.*, of       ].

## FORM 113.

*Warning to Person filing Notice to prohibit Grant.*

(General Heading.)

To *C. D.*, of       , [or to *E. F.*, of       , legal practitioner,  
*G. H.*, of       ].

You are hereby warned, within six days after the service of this  
warning upon you, inclusive of the day of such service, to come to this  
Court, and to file therein an affidavit setting forth your [or your client's]  
interest in this matter; and in default of your doing so this Court will  
proceed to all such acts and things as shall be needful to be done in this  
matter.

*Note.*—This warning is issued at the instance of *R. S.*, of       ,  
[here state what interest *R. S.* has, and, if under a will or codicil, state  
its date].

(Seal.)

## FORM 114.

*Order to a Person to bring in a Paper purporting to be Testamentary.*

(General Heading.)

To *C. D.*, of

Whereas it appears by an affidavit filed in this Court on the  
day of       , 19       , and made by       , of  
that a certain original paper, being, or purporting to be testamentary,  
namely [here describe the paper], bearing date the       day  
of       , 19       , is now in your possession or under your control:

Now this is to command you, in the name of His Majesty King  
Edward, that within eight days after service hereof on you, inclusive of  
the day of such service, you do bring into and leave in this Court the  
said original paper, or in case the said original paper be not in your  
possession or under your control, that you, within eight days after the  
service hereof on you, inclusive of the day of such service, do file in this  
Court an affidavit to that effect, and therein set forth what knowledge  
you have of and respecting the said paper.

(Seal.)

## FORM 115.

*Lists of Probates and Administrations,*

(General Heading.)

The [1st] day of [August], 19 .

List of Probates and Administrations granted by this Court up to the 1st day of July, 19 , and not included in any previous List.

Date of Grant.	Name in full of Deceased.	Business, Profession, or other Description.	Place of Death.	Time of Death.	Name and Description of each Executor or Administrator taking Probate or Administration.	Value of the Personal Property.

(Signed) A.B.,  
His Britannic Majesty's Consul at [Canton].

## Form 116.

Return of Criminal Cases for the Year 19.....

Consulate of .....

Rule 316.

No.	Date.	Name of Offender.	Country.	Residence.	Profession.	Offence charged with.	Parties charging.	Days on which Examined.	Final Hearing.	Finding, and, if Guilty, what Offence proved.	How disposed of.

*British Consular Court,*

....., 19.....

.....

*Consul.*

## Form 117.

Return of Civil Cases for the Year 19.....

Consulate of .....

Rule 316.

No.	Date.	Plaintiff.		Defendant.		Claim.	How disposed of.	Remarks.
		Name.	Nationality.	Name.	Nationality.			

*British Consular Court,*

....., 19.....

.....

*Consul.*



(No. 158.) *REGULATIONS amending the Hankow British Concession Land Regulations of 1902. Peking, 12th January, 1905.*

*Notice.*

The following Regulations made by His Majesty's Minister, and allowed by His Majesty the King, are published for general information.

ERNEST SATOW.

*Peking, January 12, 1905.*

*His Majesty's Minister.*

KING'S REGULATIONS made under Articles 6 to 20 of the "China and Japan Order in Council, 1881."\*

[No. 1 of 1905.]

*Hankow Land Regulations (No. 149), Amendment.*

IIIA.

*Bund Frontage Licences.*

(1) It shall be competent for such meeting as aforesaid, or the majority thereof, subject to the conditions hereinafter contained, to issue licences for the use of the Bund, or a portion thereof, for the mooring in front thereof of hulks and pontoons, or either of them, for the accommodation of steamers or other vessels trading to the port, and for the landing of cargo and passengers therefrom, and the shipping of cargo and passengers thereon (hereinafter referred to as Bund Frontage Licences).

(2) The issue of a Bund Frontage Licence and the terms thereof shall be subject to the approval of His Britannic Majesty's Consul-General, and no such licence shall be valid unless it is countersigned by him.

(3)† When applications have been made to a meeting of rate-payers for Bund Frontage Licences in excess of the number granted at such meeting, any applicant whose application has not been granted may, within ten days, appeal to His Britannic Majesty's Consul-General, who shall hear any representations which may be made to him by any of the applicants concerned, or by the Municipal Council, and shall decide to which of such applicants the licence shall be granted, and it shall be granted to such applicant accordingly.

(4) These Regulations may be cited as "The Hankow Land Regulations Amendment Regulations, 1905."

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\* Repealed. See Order in Council of 24th October, 1904 (No. 156), Articles 155 to 159, and 169.

† Amended by Regulation of 18th December, 1906 (No. 163).

(No. 159.) REGULATIONS governing Trade on the West River.  
Canton, April, 1905.

ART. I. *Former Regulations rescinded.*—The Regulations of Trade on the West River hitherto in force are hereby abrogated.

II. *Ports, Stages or Ports of Call, and Passenger Stations.*—The merchant vessels of the Treaty Powers are authorized to trade on the West River at the following four Treaty Ports :—

Canton (directly connected with the West River), Kongmoon, Samshui and Wuchow.

*Steamers* are authorized to land and ship goods in accordance with regulations hereinafter set forth at the following six Stages or Ports of Call :—

Kumchuk, Pak Tau Hau, Shiuhing,\* Lo Ting Hau, Takhing and Do Sing,

and to land and ship passengers and their luggage at any of the following ten regular Passenger Stations :—

Yung Ki (in Tailung Channel), Mah Ning (in Junction Channel), Kau Kong, Kulow, Wing On, How Lik, Luk Pu, Yuet Sing, Luk To and Fung Chuen (in West River).

Passenger's luggage must not contain articles subject to duty, and the presence of dutiable articles will render the whole liable to confiscation.

III. *Arms Certificate.*—Vessels proposing to trade on the West River must provide themselves with an Arms Certificate. This certificate, which is to be made out on a form supplied by the Customs and signed by the Captain, must state the number of muskets, guns, swords, &c., and the quantity of ammunition carried for self defence, and be produced for inspection and verification when required.

IV. *Classes of Vessels.*—Merchant vessels trading on the West River are to be divided into the following classes :—

- |             |   |   |
|-------------|---|---|
| A. Steamers | { | <p>(1) <i>Inland Water Steamers</i> trading to permitted inland places.</p> <p>(2) <i>Local River Steamers</i> running from Canton, Kongmoon or Samshui to ports up river without leaving Liang Kwang waters.</p> <p>(3) <i>Foreign-going Steamers</i> from and to Hong Kong, Macao, &amp;c., trading for the voyage up and down river.</p> |
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B. *Small craft, lorchas, papicos, junks, &c.*

V. *A. Steamers—*

1. *Inland Waters Steamers*, are to comply with the Inland Waters Steam Navigation Regulations.

2. *Local River Steamers*, which do not leave Liang Kwang waters, but which running from Canton, Kongmoon or Samshui are to trade only at Treaty Ports and Ports of Call, and take pas-

## [Trade on the West River.]

sengers to and from the authorized Passenger Stations, are to deposit their registers with their Consul, or (if Consularly unrepresented), with the Customs at Canton, Kongmoon or Samshui, where the Customs, on receipt of a Consular application or on deposit of her papers, will issue a Certificate to the steamer to be called the "*River Pass*," on which shall be entered the steamer's name, flag, and registered tonnage, the said *River Pass* to be valid for the year during which issued, on expiry of which it must be either surrendered or renewed at the port of issue.

3. *Foreign-going Steamers*, from and to Hong Kong, Macao, &c., proceeding to the West River must enter either by (a) Motomoon ("Broadway"), (b) Wangmoon, or (c) *viâ* Canton.

(a) If entering by Motomoon they must report at the Malowchow Station (Lappa Customs) and produce for inspection and verification a general import manifest of all cargo on board, showing destination. The Customs officials will inspect the vessel on arrival, note the quantity of arms, &c., on board, and issue the *Kongmoon Pass*, upon receipt of which the vessel will proceed direct and without anchoring, landing or shipping cargo or passengers, to Kongmoon and surrender the pass. If proceeding further up the West River, steamers will deposit their registers with their Consul or (if Consularly unrepresented) with the Customs. Upon receipt of the Consular report, or on deposit of her papers, the Customs will issue a certificate to the steamer, to be called the "*Special River Pass*," on which shall be entered the steamer's name, flag and registered tonnage, and without which she may not proceed to any Treaty Port (the original port of entry excepted), Port of Call or Passenger Station on the river. On return to Kongmoon, and when all dues and duties are either paid or accounted for, the Customs on surrender of the "*Special River Pass*" will issue a clearance which will entitle the vessel to the return of her register and Kongmoon Pass. The vessel is then free to depart *viâ* the Motomoon (Broadway) or *viâ* the Wangmoon as provided for below (b). Proceeding *viâ* the Motomoon (Broadway) the Kongmoon Pass will be surrendered at the Malowchow Station (Lappa Customs) where the general export manifest of all cargo on board will be produced for inspection and verification.

(b) If entering by Wangmoon, steamers must report at the Wangmoon Station and comply with the requirements set forth above (a). According to the destination declared the "*Kongmoon-Samshui Pass*" will then be issued, upon receipt of which the vessel will proceed by the authorized route, direct and without anchoring, landing or shipping cargo or passengers, to the port indicated on the pass, where the latter will be surrendered. If proceeding elsewhere on the West River, steamers will deposit their registers with their Consul or (if Consularly unrepresented), with the Customs. Upon receipt of the Consular report, or on deposit of her papers, the Customs will issue a certificate to the steamer, to be called the "*Special River Pass*," on which shall be entered the steamer's name,

## [Trade on the West River.]

flag and registered tonnage, and without which she may not proceed to any Treaty Port (the original port of entry excepted), Port of Call or Passenger Station on the river. On return to the original port of entry and when all dues and duties are either paid or accounted for, the Customs, on surrender of the "*Special River Pass*" will issue a clearance which will entitle the vessel to the return of her register and *Kongmoon-Samshui Pass*. The vessel is then free to depart *viâ* the Wangmoon or *viâ* the Motomoon (Broadway) as provided for above (a). Proceeding *viâ* the Wangmoon, the *Kongmoon-Samshui Pass* will be surrendered at the Wangmoon station where the general export manifest of all cargo on board will be produced for inspection and verification.

(c) If entering *viâ* Canton, vessels will proceed by the authorized Bogue route direct and without anchoring, landing or shipping cargo or passengers, and deposit their register with Consul or Customs at Canton in order to obtain the *Special River Pass* without which they may not proceed to any Treaty Port, Port of Call or Passenger Station on the West River, and the surrender of which on return, all dues and duties having either been paid or accounted for, will entitle them to Customs clearance and return of register.

4. *Shipment and discharge of Cargo* by local river steamers and foreign-going steamers at any other points on the river than the Treaty Ports and Ports of Call enumerated in Art. II is prohibited, and any violation of this prohibition will be dealt with in accordance with the Treaty provisions applicable to clandestine trade along the coast.

5. *Local River Steamers and Foreign-going Steamers* trading at the West River Treaty Ports—Canton, Kongmoon, Samshui and Wuchow—must report and clear and load and discharge cargo in the same manner as at other Treaty Ports along the Coast, and in accordance with the Customs Regulations of the river ports concerned.

6. *Duty Treatment* of merchandise carried by local river steamers and foreign-going steamers :—

A. *Foreign Trade.*

*Import Duty* shall be payable as follows : on cargo from abroad for—

- (a) A Treaty Port . . . . . at destination Treaty Port.
- (b) A Port of Call . . . . . at Port of entry from abroad  
(Kongmoon, Samshui or Canton).

*Export Duty* shall be payable as follows : on cargo for abroad from—

- (a) A Treaty Port . . . . . at port of shipment.
- (b) A Port of Call . . . . . at port of clearance for  
abroad (Kongmoon,  
Samshui or Canton).

## [Trade on the West River.]

## B. Domestic Trade.

*Export* (full) and *Coast Trade* (half) *Duties* shall be payable as follows : on cargo from—

(a) Treaty Port to Treaty Port.—Full at port of shipment and half at port of discharge.

(b) Treaty Port to Port of Call.—If another Treaty Port is to be passed *en route*, full and half at port of shipment, otherwise full only at said port of shipment.

(c) Port of Call to Treaty Port.—If another Treaty Port has been passed *en route*, full and half at destination Treaty Port, otherwise full only at said port.

(d) Port of Call to Port of Call.—If a Treaty Port is passed *en route*, full at said port in passing.

7. *Tonnage Dues* are payable once every four months at the Treaty Port first touched at after expiry of certificate.

8. *Dues and Duties* are in general payable as at other Treaty Ports, and re-exports and goods under transit certificates entitled to usual Customs treatment. Native goods if shipped to a Treaty Port and subsequently re-exported to a foreign port within thirteen months, with no unauthorized change of package and marks, will be entitled to the refund of any Customs duty paid in excess of one full export duty.

9. *Routes*.—The following are the authorized routes to the West River : Foreign-going steamers proceeding from the sea direct must either enter by—

(a) *The Motomoon (Broadway) route* : or by

(b) *The Wangmoon route*, taking the Sailam Channel and Junction Channel and passing into the West River at Fist Cliffs.

Such steamers may also proceed (c) *viâ Canton*, in which case they will be required together with local river steamers to take the following route on leaving Canton, viz., Hill Passage, Saiwan Channel, Tailung Channel and Junction Channel (British Admiralty Chart No. 2562) and enter the West River at Fist Cliffs. Returning abroad or to Canton, the same routes are to be adhered to.

10. *Miscellaneous*.—The Customs Officials will be at liberty to seal the hatches of vessels entering or trading on the West River, and seals must not be broken before the vessel reaches the next port or port of call at which she wishes to work cargo. Any trading vessel falling in with a revenue cruiser or Customs boat is to produce her papers for inspection, if examination of them is required, and Customs employés may be put on board vessels to search them or accompany them for the purpose of surveillance.

11. *Penalties*.—Vessels taking other than the prescribed routes into or out from the West River, or found in waters between Canton and Kongmoon or the Bogue Passage and Kongmoon anywhere off the said routes, are liable to a fine not exceeding 500 taels. In the event of any vessel so found, or discovered anywhere on the West

## [Trade on the West River.]

River and routes thereto inside Malowchow or Wangmoon Stations, being without proper papers as provided for by the present regulations, she will be dealt with under the Treaty Articles penalising clandestine trade along the coast.

Foreign-going vessels bound out and failing to surrender the "*Kongmoon-Shamshui Pass*" at *Malowchow-Wangmoon* are liable to a fine not exceeding 100 taels.

Infringement of river port regulations by local river steamers will be punished by the infliction of penalties in force at other Treaty Ports. For a second offence the "*River Pass*" may be cancelled, and the steamer refused permission to trade on the West River. Unauthorized opening of sealed hatches or breaking of seals will entail liability to a fine not exceeding 500 Hk. taels.

VI. B. *Small Craft* (lorchas, papicos, junks, &c.) *entitled to trade at Treaty Ports, but not at Ports of Call nor at Passenger Stations on the West River.*

(a) *Lorchas, &c.*, owned by foreigners, if provided with registers and entitled to fly national flags, are required to take out a "*Special River Pass*" either through the Consulate or through the Customs direct at Kongmoon, Samshui or Canton if proceeding to other river Treaty Ports: they will report, work cargo, pay duties and observe all conditions as regards papers, routes, &c., and be subject to the same penalties for the infringement of rules and regulations as foreign-going steamers on the West River.

(b) *Papicos, &c.*, owned by foreigners but not provided with registers or entitled to fly national flags are to take out Customs registers at the port they belong to and report, work cargo, and pay duties in the same way as lorchas. They are subject to the same penalties for infringement of rules and regulations.

(c) *Chartered Junks*.—Chinese junks chartered by foreigners must take out special junk papers at the Customs to be obtained in exchange for bonds executed at and deposited with the Customs, the condition of the bond being that cargoes are *bona fide* foreign property and will be landed and pay duty at a Treaty Port, and the penalty that if the cargo fails to be so landed and pay duty, no chartered junk will thereafter be cleared for the foreigner in question. Such junks to report, work cargo, observe all conditions, fulfil all requirements and pay duties in the same way as lorchas, papicos, &c.

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The above Regulations are open to revision when and if necessary.

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## [Shanghai Prison Regulations.]

(No. 160.) *REGULATIONS for the British Prison at Shanghai.*  
*London, 9th February, 1906.*

MADE by His Majesty's Minister and approved by His Majesty the King on February 9, 1906, under Article 159\* of the China and Corea Order in Council, 1904.

PART I.—*General Rules for the Government of the Prison.*

*Preliminary.*

1. In these regulations His Majesty's Minister means His Majesty's Minister in China and includes Chargé d'Affaires or other chief diplomatic representative. Consul-General means His Majesty's Consul-General at Shanghai, and includes any person for the time being in charge of His Majesty's Consulate-General at Shanghai.

2. The prison shall be in the charge of His Majesty's Consul-General, except in so far as special powers are, by these rules conferred upon the Visiting Committee. The Consul-General shall be responsible to His Majesty's Minister for the government and good order of the prison. He shall have authority to suspend the head constable and appoint a temporary substitute, and to dismiss any assistant constable or other servant. He shall have authority to overrule any decision of the Visiting Committee, but in this case he shall immediately inform the Chairman of the Visiting Committee in writing of his action, and at once report thereon to His Majesty's Minister.

3. The general rules in this Part shall be subject to the special rules as to particular classes of prisoners.

4. All former rules in regard to the government of the prison are hereby revoked.

*Buildings and Cells.*

5. A cell shall not be used for the separate confinement of a prisoner unless it is certified by the medical officer to be of such a size, and to be lighted, warmed, ventilated, and fitted up in such a manner, as may be requisite for health, and furnished with the means of enabling the prisoner to communicate at any time with an officer of the prison.

6. There shall be in the prison an infirmary or proper place for the reception of sick prisoners.

7. The wards, cells and yards where females are confined shall be secured by locks different from those securing the wards, cells and yards allotted to male prisoners.

*Admission, Discharge and Removal.*

8.—(1.) Every prisoner shall be searched on admission and at such times subsequently as may be directed, and all prohibited articles shall be taken from him.

\* See page 885 (No. 156).

## [Shanghai Prison Regulations.]

(2.) The searching of a prisoner shall be conducted with due regard to decency and self-respect, and in as seemly a manner as is consistent with the necessity of discovering any concealed article.

(3.) No prisoner shall be searched in the presence of another prisoner.

9. All money or other effects brought into the prison by any prisoner or sent to the prison for his use which he is not allowed to retain shall be placed in the custody of the head constable, who shall keep an inventory of them.

10. A female prisoner shall be searched by female officers or by a woman specially employed for the purpose. In other respects the same course shall be pursued in reference to the admission, removal or discharge of a female prisoner as in the case of a male prisoner.

11. The name, age, height, weight, features, particular marks, general appearance, and such other measurements and particulars as may be required in regard to a prisoner shall, upon his admission and from time to time, be recorded in such manner as may be directed.

12. Every prisoner may, if required for purposes of justice, be photographed on reception and subsequently; but no copy of the photograph shall be given to any person unless he is officially authorized to receive it.

13. Every prisoner shall, as soon as possible after his admission, be separately examined by the medical officer, who shall record the state of health of the prisoner and such other particulars as may be directed.

14. Every prisoner shall be examined by the medical officer before being removed to any other prison, or being discharged from prison. No prisoner shall be removed to any other prison unless the medical officer certifies that he is fit for removal; and no prisoner labouring under any acute or dangerous illness shall be discharged from prison until in the opinion of the medical officer the discharge is safe, unless the prisoner requires to be discharged.

15. Every prisoner shall take a bath on reception, unless it is otherwise directed in any particular case by the head constable or medical officer.

16. If any prisoner is found to have any cutaneous disease or to be infested with vermin, means shall be taken effectually to eradicate and destroy the same.

17. After a prisoner is received at the prison, an abstract of the rules relating to the conduct and treatment of prisoners, as set forth in Annex I to these Regulations, shall be read over to him, and proper means shall afterwards be taken by the head constable to make him acquainted with the purport and effect of those rules.

18. A prisoner shall be exposed to public view as little as possible



## [Shanghai Prison Regulations.]

while being removed from or to prison. In order to avoid exposure while passing through the public streets he shall, if necessary, be conveyed in a closed vehicle.

19. Any prisoner for whose production at any place an order is issued shall, while outside the prison, be kept in the custody of the officers directed to convey him to that place.

20. The child of a female prisoner may be received into prison with its mother, provided it is at the breast. In all such cases an authority from the committing magistrate for the child's admission should accompany the prisoner on reception. Any child so admitted shall not be taken from its mother until the medical officer of the prison certifies that it is in a fit condition to be removed. When the child has attained the age of nine months the medical officer shall report whether it is desirable or necessary that it should be any longer retained, but except under special circumstances the child shall not be kept in prison after it has arrived at the age of twelve months. Any child so retained may be supplied with clothing at the public expense.

*Food, Clothing and Bedding.*

21. No spirituous liquors of any kind shall be admitted for the use of any prisoner under any pretence whatever, except in pursuance of special rules or of a written order of the medical officer specifying the quantity to be admitted and the name of the prisoner for whose use it is intended. This rule shall not apply to any stock of spirituous liquors kept in the prison for the use of the infirmary and under the control of the medical officer.

22. Smoking shall not be allowed in, nor tobacco be introduced into, the prison except by the authority of the Consul-General, or unless specially required for medical reasons, and then only under the written authority of the medical officer, a copy of which he shall enter in his journal.

23. Each prisoner shall be supplied with a sufficient quantity of wholesome food, according to a scale or scales of diet as set forth in Annex II to these Regulations.

24. A prisoner who has any complaint to make regarding the diet furnished to him, or who wishes his diet to be weighed or measured for the purpose of ascertaining whether he is supplied with the proper quantity, must make his request as soon as possible after the diet is handed to him, and it will be weighed or measured in his presence and in that of the officer deputed for that purpose. Repeated complaints of a groundless nature made by any prisoner under colour of this rule, with the evident purpose of giving annoyance or trouble, shall be treated as a breach of prison discipline, and the offender will be liable to punishment accordingly.

25. The head constable shall consult the medical officer respecting the quality or the provisions furnished to the prisoners.

## [Shanghai Prison Regulations.]

26. A prisoner shall not be allowed any wine, beer or other fermented liquor except under a written order from the medical officer, to be entered in his journal, specifying the quantity and the name of the prisoner for whose use it is intended; or in pursuance of special rules.

27. A prisoner shall not receive any food, clothing, bedding, or necessities other than the prison allowance, except under special circumstances or in pursuance of special rules.

28. Every prisoner shall be provided with a complete prison dress, and shall be required to wear it, unless it is otherwise provided by special rules.

29. On the discharge of a prisoner his own clothes shall be returned to him, unless it has been found necessary to destroy them, in which case he will be provided with clothing.

30. Each prisoner shall usually occupy a cell by himself by day and by night (except as otherwise directed). If for medical reasons or other special circumstances it is necessary that prisoners be associated, not fewer than three prisoners may be located in one room, in which each shall be supplied with a separate bed.

31. Every prisoner shall be supplied with sufficient bedding as may be directed, and such additional clothing and bedding may be issued during severe weather or in special cases as the medical officer may deem requisite.

32. Every male prisoner, over 16 years of age and under 60, sentenced to hard labour shall be required to sleep without a mattress for the first 14 days of his sentence, unless the medical officer shall order otherwise. He shall not be deprived of a mattress for the rest of his sentence except as a punishment.

*Cleanliness.*

33.—(1.) A prisoner shall be required to keep himself clean and decent in his person, and to conform to such regulations as may be laid down for that purpose.

(2.) The hair of a female prisoner shall not be cut without her consent except on account of vermin or dirt or when the medical officer deems it requisite on the ground of health, and the hair of a male prisoner shall not be cut closer than may be necessary for purposes of health and cleanliness.

(3.) Every prisoner shall obey such regulations as regards washing, bathing and hair cutting as may be from time to time prescribed with a view to the maintenance of health and cleanliness.

(4.) A prisoner shall not be stripped or bathed in the presence of any other prisoner.

(5.) Each prisoner shall keep his cell, utensils, books, and other articles issued for his use, and his clothing and bedding, clean and neatly arranged, and shall clean and sweep the yards, passages and other parts of the prison as may be directed.

## [Shanghai Prison Regulations.]

*Employment.*

34. A prisoner may be employed in the service of the prison, but shall not be employed in the discipline thereof or in the service of any officer or servant thereof or in the service or education of any other prisoner without a written order from the Consul-General or the Visiting Committee.

35.—(1.) Every male prisoner, not being a juvenile offender, if sentenced to hard labour, shall, for 28 days or for the whole of his sentence if it is less than 28 days, be employed as far as possible in strict separation on hard bodily or hard manual labour, provided that no prisoner shall be so employed for more than ten or less than six hours per diem, exclusive of meals. If his sentence is more than 28 days, he shall, after that period, provided his conduct and industry are good, be employed on labour of a less hard description in association if practicable. Provided that no prisoner shall be required to perform any labour of any description unless certified by the medical officer to be fit for such labour.

(2.) An aged prisoner in weak health, or any prisoner suffering from physical or mental infirmity likely to be aggravated by cellular isolation, shall be employed on such work and in such way as the medical officer may direct.

36. A prisoner sentenced to imprisonment without hard labour shall be required to work during such number of hours, not more than ten or less than six (exclusive of meals) in each day, as may be prescribed, unless the medical officer certifies that he is unfit for such labour; and shall be liable to punishment for neglect of work. He shall from the beginning of his sentence be employed on some useful industry, for the purpose of which he may, if necessary, be associated, and for the product of which he may, on his release, be given such payment as the Consul-General or the Visiting Committee may determine.

37. The labour of all prisoners shall, if possible, be productive, and the trades and industries taught and carried on shall, if practicable, be such as may fit the prisoner to earn his livelihood on release.

38. Every female prisoner sentenced to hard labour shall be kept at labour during such number of hours, not more than ten or less than six (exclusive of meals) in each day, as may be prescribed, unless the medical officer certifies that she is unfit for such labour, regard being had to any advice or suggestions that members of the Visiting Committee are able to offer on the subject.

39.—(1.) On Sunday, Christmas Day, Good Friday, and General Fast or Thanksgiving Days, the employment of a prisoner shall be confined to what is strictly necessary for the service of the prison.

(2.) A prisoner who is a Jew shall not be compelled to labour on his Sabbath or on such days of Festival as may be prescribed.

## [Shanghai Prison Regulations.]

40. The medical officer shall from time to time examine the prisoners sentenced to hard labour during the time of their being so employed, and shall enter in his journal the name of any prisoner whose health he thinks to be endangered by a continuance at labour, and thereupon that prisoner shall not again be employed at such labour until the medical officer certifies that he is fit for such employment.

*Health.*

41. A prisoner, when employed in cellular or indoor work, shall, when practicable, be permitted to take exercise daily in the open air for an hour, or for any longer period which the medical officer may deem necessary for his health, having regard to the nature of the work and the state of health of any particular prisoner. Means shall be provided, if possible, for exercise to take place, in wet weather, under cover.

*Religious Instruction.*

42. A suitable room in the prison shall be set apart to be used as a chapel.

43. There shall be a chaplain attached to the prison. A form of service selected from the liturgy of the Established Church shall be read and a sermon preached by him not less often than once a week. The Holy Sacrament of the Lord's Supper may be administered by the chaplain to such as are fit and desire to receive it; and such religious instruction shall be given by the chaplain or other person approved by the Visiting Committee as the Visiting Committee may direct.

44. Prisoners shall attend prayers or religious services whenever performed, unless allowed by the head constable to be absent for sufficient reason, or unless their attendance is dispensed with by the Visiting Committee or the Consul-General. This rule shall not apply to any prisoner who is attended or visited by a minister of a church or persuasion differing from the Established Church. And no prisoner shall be compelled to attend any religious service held or performed or any religious instruction given by the chaplain, minister, or religious instructor of a church or persuasion to which the prisoner does not belong.

45. The chaplain shall at once communicate to the head constable, and if necessary to the Visiting Committee or Consul-General, any abuse or impropriety in the prison which may come to his knowledge.

46. The chaplain shall keep a journal of occurrences of importance connected with his duties, and shall enter therein such matters and keep such other records and make such reports as may be ordered.

47. The chaplain shall, as soon as possible after the 31st December in each year, send to the Consul-General a report, with

## [Shanghai Prison Regulations.]

reference to the year ended on that day, on the religious and moral condition of the prisoners, and such other matters belonging to his department as he may be desired to report on. He shall report periodically, and from time to time, for the information of the Consul-General, on such points connected with his department as he may think it desirable to bring before that officer or as the Consul-General may direct. He may at any time offer any suggestion for improvements or for the advantage of the service, and need not reserve it for his annual report.

48. The chaplain shall record in his journal the times of his arrival and departure, as well as of his presence in the chapel, and the duties he performed.

49.—(1.) The chaplain shall see and admonish the prisoners on admission and discharge. It shall also be his duty to see each prisoner individually from time to time during the period of his sentence, and he shall use his best endeavours to promote the reformation of the prisoners under his spiritual charge.

(2.) The chaplain shall read prayers to the sick in the infirmary, and shall visit any prisoner under punishment.

(3.) This rule does not apply to prisoners who are visited by a prison minister as provided for in Rule 56.

50. The chaplain shall read the burial service at the funeral of any prisoner of the Established Church who may die in the prison, in case provision for the reading of such service is not otherwise made.

51. The chaplain shall in conjunction with the head constable use his best endeavours to provide for the employment of prisoners on discharge.

52. The chaplain shall pay particular attention to a prisoner under orders for execution or committed on a charge punishable with death.

53. In case of absence from prison on leave, the chaplain may name a substitute, to be approved by the Visiting Committee. He may, subject to the approval of the Visiting Committee, accept the occasional assistance of a clergyman in the discharge of any part of his duties in the chapel, inserting the name of that clergyman in his journal.

54. The chaplain and prison ministers shall conform to the rules and regulations of the prison and shall not interfere with the working of them as regards the safe custody, discipline, and labour of the prisoners, but shall support the head constable in the maintenance thereof.

55. An assistant chaplain may act under the orders of the chaplain, and shall be competent to perform any duty required to be performed by the chaplain, and when either the chaplain or assistant chaplain is absent from the prison, the other may perform his duties. Subject as aforesaid, the rules as to the chaplain shall apply also to an assistant chaplain.

## [Shanghai Prison Regulations.]

56. If any prisoner who is of a religious persuasion different from that of the Established Church specially so requests, the head constable shall permit a minister of that persuasion (herein referred to as a "prison minister") to visit him at proper and reasonable times under regulations approved by the Consul-General. The head constable shall cause such prisoners to be made acquainted with this privilege on their admission.

57. No books or printed papers shall be admitted into any prison for circulation among the prisoners unless approved by the Visiting Committee or the Consul-General; and no books or printed papers intended for the religious instruction of prisoners belonging to the Established Church shall be admitted without the concurrence of the chaplain. Subject to the permission of the Visiting Committee or Consul-General as aforesaid, all books or printed papers admitted into the prison for the religious instruction of prisoners belonging to any other persuasion, and who are visited by a minister of that persuasion, shall be approved by that minister. The head constable shall keep a catalogue of all books and printed papers admitted into the prison.

58. Each prisoner shall be furnished with a Bible and prayer book, such as is approved for the denomination to which he belongs.

*Library.*

59. A library shall be provided in the prison, consisting of books sanctioned by the Visiting Committee or Consul-General, and no books other than those supplied to the prison library shall be permitted for the use of prisoners, except in pursuance of special authority.

60.—(1.) A prisoner, during the first month of his sentence, shall be allowed books of instruction in addition to the usual religious books.

(2.) A prisoner after the first month of his sentence shall, in addition to the usual books of instruction, secular and religious, be allowed library books, and the frequent exchange of such books shall be allowed according to his conduct and industry.

*Visits and Communications.*

61.—(1.) Communications between prisoners and their friends by visits and letters will be allowed in accordance with the following rules, subject to restrictions imposed for the maintenance of discipline and order in the prison.

(2.) A prisoner will not be allowed to communicate with his friends when not entitled to do so by the rules, except by special permission; but, under urgent or pressing circumstances not admitting of delay, the head constable may grant permission, which he shall record in his daily report to the Consul-General.

## [Shanghai Prison Regulations.]

(3.) A convicted prisoner, after two months of the term of his sentence have expired, shall, provided his conduct and industry have been satisfactory, be allowed to communicate with his relatives and respectable friends by letter, and to be visited by them in the prison, and this privilege shall be gradually increased according to his conduct and industry until the interval shall be reduced to one month. Not more than three persons shall be admitted to visit a prisoner at one time. No other person shall be allowed to communicate with a prisoner except by special authority. These privileges may be forfeited at any time for misconduct or breach of regulations of the prison.

(4.) In addition to the above privileges, the head constable may allow any prisoner entitled to a visit to write a letter and receive a reply in lieu of such visit, should his friends be unable to visit him; and also to allow any prisoner to write a special letter and to receive a reply under any of the following circumstances :—

- (a.) The death of a near relative.
- (b.) To give instructions as to his business or family affairs of an urgent nature.
- (c.) To make arrangements for obtaining employment or assistance from friends on release.

(5.) The head constable may at any time communicate to a prisoner, or to his friends, any matter of importance to such prisoner in case he should not be entitled to write or receive a letter.

(6.) A barrister or solicitor conducting any legal proceedings, civil or criminal, in which a prisoner is a party, or *bona fide* acting as a legal adviser to the prisoner in any legal business, will be allowed to see the prisoner with reference to such business in the sight but not in the hearing of an officer.

(7.) Male prisoners shall be visited in the presence of a male officer; female prisoners in the presence of a female officer.

(8.) No person shall be allowed to visit a prisoner on a Sunday, except in cases of emergency.

62.—(1.) The head constable may demand the name and address of any visitor to a prisoner; and when he has ground for suspicion may search or cause to be searched male visitors, and may direct a female officer to search female visitors, the search not to be in the presence of any prisoner or of another visitor; and, in case of any visitor refusing to be searched, the head constable may deny him or her admission. The head constable shall enter in his journal the grounds of any such proceeding, with the particulars thereof.

(2.) If there are reasonable grounds for suspecting that any person who comes to the prison for the purpose of seeing a prisoner brings in or takes out any articles for an improper purpose or contrary to the prison rules, or that his conduct may tend to subvert the discipline or good order necessary to be maintained in the prison, the head constable may suspend his visit and remove him

## [Shanghai Prison Regulations.]

from the prison, duly recording the fact in his journal, and reporting it to the Consul-General.

63. An officer of police may visit prisoners for the purpose of identification, on production of an order from the police magistrate.

64. Every letter to or from a prisoner shall be read by the head constable; and if the contents are objectionable, it shall not be forwarded, or the objectionable part shall be erased according to discretion.

65. Any person committed to prison in default of the payment of any sum which in pursuance of any conviction or order he is required to pay shall be allowed to communicate by letter with and to see any of his friends at any reasonable time for the *bonâ fide* purpose of providing for the payment which would procure his release from prison.

66. The head constable shall, subject to the provisions of these rules, prevent all intercourse or communication between the prisoners, so far as the conduct of the business of the prison, or the labour of the prisoners, will permit, and shall take care that all intercourse or communication between them is conducted in such a manner only as he may direct. But, as a reward for good conduct, the privilege of talking may be granted after a certain period on certain days for a limited time and under reasonable supervision to such long-sentence prisoners as have conducted themselves well and who desire the privilege and are not deemed unsuitable for it.

*Offences and Punishments.*

67. No punishment or privation of any kind shall be awarded to a prisoner by any officer of the prison except the head constable, or, in his absence, the officer appointed to act for him.

68. A prisoner shall be guilty of an offence against prison discipline if he—

- (1.) Disobeys any order of the head constable or of any other officer, or any prison regulation.
- (2.) Treats with disrespect any officer or servant of the prison, or any visitor, or any person employed in connexion with the prison or works.
- (3.) Is idle, careless, or negligent at work, or refuses to work.
- (4.) Is absent without leave from divine service or prayers.
- (5.) Behaves irreverently at divine service or prayers.
- (6.) Swears, curses, or uses any abusive, insolent, threatening, or other improper language.
- (7.) Is indecent in language, act, or gesture.
- (8.) Commits a common assault upon another prisoner.
- (9.) Converses or holds intercourse with another prisoner without authority.



## [Shanghai Prison Regulations.]

- (10.) Sings, whistles, or makes any unnecessary noise, or gives any unnecessary trouble.
- (11.) Leaves his cell or other appointed location, or his place of work, without permission.
- (12.) In any way disfigures or damages any part of the prison, or any article to which he may have access.
- (13.) Commits any nuisance.
- (14.) Has in his cell or possession any article he is not allowed to have.
- (15.) Gives to or receives from any prisoner any article whatever without leave.
- (16.) In any other way offends against good order and discipline.
- (17.) Attempts to do any of the foregoing things.

69. The head constable may examine any person touching any alleged offence against prison discipline, and determine thereupon and punish the offence.

70. For any offence with which the head constable is competent to deal, he may order a prisoner to be punished by—

- (a.) Close confinement for any period not exceeding 24 hours ;
- (b.) The diet for ill-conducted and idle prisoners for a period not exceeding 24 hours ;
- (c.) Deprivation of mattress for any period not exceeding 24 hours for idleness or refusing to work ;

but he shall enter any such punishment in his daily report to the Consul-General.

71. If any prisoner is charged with any serious or repeated offence for which the punishment the head constable is authorized to inflict is deemed insufficient, or is charged with any offences with the aggravations mentioned in this rule, the head constable shall, without loss of time, report the same to the Consul-General or the Visiting Committee, who, after inquiry into any matter so reported may order the offender to be punished. The offences referred to above are—

- (1.) Personal violence to a fellow prisoner.
- (2.) Grossly offensive or abusive language to any officer or servant of the prison.
- (3.) Wilfully or wantonly breaking the prison windows, or otherwise destroying the prison property.
- (4.) When under punishment, wilfully making a disturbance tending to interrupt the order and discipline of the prison.
- (5.) Any other act of gross misconduct or insubordination requiring to be suppressed by extraordinary means.
- (6.) Escaping or attempting to escape from prison.

## [Shanghai Prison Regulations.]

72. The Visiting Committee or one of them may order a prisoner to be punished by—

- (a.) Close confinement for a period not exceeding 14 days.
- (b.) The diet for ill-conducted and idle prisoners for a period not exceeding 15 days, with intervals as laid down in the rules for dietaries.

73.—(a.) If any prisoner is charged with—

- (1.) Mutiny or incitement to mutiny;
- (2.) Gross personal violence to any officer or servant of the prison;

the head constable shall, without loss of time, report the same to the Visiting Committee, and the chairman thereof shall specially summon and cause not less than three members of such Committee to assemble and inquire into the charges; and such members are empowered to determine concerning the matter and to order the offender to be punished under their powers set forth in Rule 72, or, in the case of a male prisoner convicted of felony or sentenced to hard labour, by corporal punishment, in addition to or in lieu of any of those punishments.

(b.) Whenever an order for corporal punishment is made, the authorities by whom the order is made shall forthwith furnish to the Consul-General, for transmission to His Majesty's Minister, a copy of the notes of evidence and a report of the sentence and of the grounds on which it was passed; and such order shall not be carried into effect until it has been confirmed by His Majesty's Minister.

74. A prisoner shall not be punished until he has had an opportunity of hearing the charges and evidence against him, and of making his defence.

75. The head constable shall enter in the punishment book a statement of the nature of any offence punished by him or the Visiting Committee, with the addition of the name of the offender, the date of the offence, and the punishment inflicted, and the record shall be submitted to the Consul-General for review at the end of every week.

76. Dietary punishment shall not be inflicted on any prisoner, nor shall he be placed in close confinement, nor shall corporal punishment be inflicted, unless the medical officer has certified that the prisoner is in a fit condition of health to undergo the punishment.

77. All corporal punishments within the prison shall be attended by the head constable and the medical officer. The medical officer shall give such orders for preventing injury to health as he may deem necessary, and it shall be the duty of the head constable to carry them into effect, and the head constable shall enter in the punishment book the hour at which the punishment is inflicted, the

## [Shanghai Prison Regulations.]

number of lashes or strokes ordered, and any orders which he or the medical officer may have given on the occasion.

78. Corporal punishment, in the case of a prisoner over 18 years of age, shall be inflicted either with a cat-o'-nine-tails or with a birch rod, and in the case of a prisoner under 18 years of age with a birch rod. The instrument in either case shall be of a pattern approved by His Majesty's Minister.

79. The number of lashes or strokes inflicted on a prisoner over 18 years of age shall not exceed 36, or on a prisoner under 18 years of age 18.

80. The order for corporal punishment shall be duly entered in the prescribed manner, and the number of lashes or strokes, and the instrument with which they are to be inflicted, shall in all cases be stated in the order.

81.—(1.) No prisoner shall be put in irons or under mechanical restraint by the head constable, except in case of urgent necessity, and when necessary for the purposes of restraint, and the particulars of every case shall be forthwith entered in the head constable's journal, and notice forthwith given thereof to one of the Visiting Committee; and no prisoner shall be kept in irons or under mechanical restraint for more than 24 hours without an order in writing from a member of the Visiting Committee specifying the cause thereof, and the time during which the prisoner is to be kept in irons or under mechanical restraint, which order shall be preserved by the head constable as his warrant.

(2.) Irons or other means of restraint shall not be used except of such patterns and in such manner as may be approved by the Consul-General.

(3.) No prisoner shall be put in irons or under mechanical restraint as a punishment.

*Prisoners under Sentence of Death.*

82. Every prisoner under warrant or order for execution shall immediately on his arrival in the prison after sentence be searched by or by the orders of the head constable, and all articles shall be taken from him which the head constable deems dangerous or inexpedient to leave in his possession. He shall be confined in a cell apart from all other prisoners, and shall be placed by day and by night under the constant charge of an officer. He shall be allowed such a dietary and amount of exercise as the head constable, with the approval of the Consul-General, may direct. The chaplain shall have free access to every such prisoner, unless the prisoner is of a religious persuasion differing from that of the Established Church, and is visited by a minister of that persuasion, in which case the minister of that persuasion shall have free access to him. With the above exceptions, no person, not being a member of the Visiting Committee or an officer of the prison, shall have

## [Shanghai Prison Regulations.]

access to the prisoner except in pursuance of an order from the Consul-General or a member of the Visiting Committee.

83. During the preparation for an execution, and the time of the execution, no person shall enter the prison unless legally entitled to do so.

84.—(1.) A prisoner under sentence of death may be visited by such of his relations, friends, and legal advisers as he desires to see and are authorized to visit him by an order in writing from the Consul-General or a member of the Visiting Committee.

(2.) If any person makes it appear to the Consul-General or a member of the Visiting Committee that he has important business to transact with a prisoner under sentence of death, the Consul-General or such member of the Visiting Committee may grant permission in writing to that person to have a conference with the prisoner.

*Prison Officers.*

85. Every officer of the prison shall hold his office so long as His Majesty's Consul-General is satisfied with his behaviour.

86. An officer shall not have any pecuniary or other dealing whatsoever with or on behalf of any prisoner, or employ any prisoner on his private account.

87. An officer shall not allow any prisoner under his charge to be employed, directly or indirectly, for the private benefit or advantage of any person, or in any way not in conformity with the prison rules.

88. An officer of the prison shall not sell or let, nor allow to be sold or let, nor be interested in the selling or letting of, any article to any prisoner.

89. An officer shall not directly or indirectly have any interest in any contract for the supply of the prison; nor shall he receive, directly or indirectly, under any pretence whatsoever, any fee or gratuity or present from any contractor, or person tendering any contract with the establishment, or from any person whatever in relation to anything connected with the service of the prison.

90. No officer of the prison shall at any time receive any money, fee, or gratuity of any kind for the admission of any visitors to the prison or to prisoners, or from or on behalf of any prisoner, on any pretext whatever.

91. Female prisoners shall in all cases be attended by female officers. A male officer shall not enter the division of the prison appropriated to female prisoners except on duty, nor unless accompanied by a female officer.

92. All officers of the prison shall obey the directions of the head constable, subject to the prison rules, and all subordinate officers shall perform such duties as may be directed by the head constable, with the sanction of the Consul-General, and the duties of each subordinate officer shall be inserted in a book to be kept by him.

## [Shanghai Prison Regulations.]

93. An officer shall not be absent from the prison without leave from the head constable. He shall use the utmost vigilance to insure the safe custody of the prisoners, and shall not take any key of the prison outside the gate.

94.—(1.) A subordinate officer shall not receive any visitors within the prison without the permission of the head constable.

(2.) A subordinate officer shall frequently examine the state of the cells, bedding, locks, bolts, &c., and shall seize all prohibited articles and deliver them to the head constable forthwith.

95.—(1.) Every officer shall occupy such quarters as may be assigned to him.

(2.) If an officer is discharged or dismissed, or resigns, he shall immediately give up the quarters he has occupied. Any officer who occupies quarters shall at any time vacate them if required to do so. On the death of an officer, his family shall give up the quarters when required to do so.

(3.) An officer occupying Government quarters shall not let lodgings therein, nor shall any subordinate officer permit any person not being a regular member of his family to remain for the night in his quarters without the permission of the head constable, which permission the head constable shall record in his journal.

96. The officer acting as gatekeeper shall examine all articles carried into or out of the prison, and may stop any person suspected of bringing in spirits or other prohibited articles into the prison, or of carrying out any property belonging to the prison, giving immediate notice thereof to the head constable.

97. It is the duty of all officers to treat prisoners with kindness and humanity, to listen patiently to and report their complaints or grievances, at the same time being firm in maintaining order and discipline, and enforcing complete observance of the rules and regulations of the prison. The great object of reclaiming the criminal should always be kept in view by all officers, and they should strive to acquire a moral influence over the prisoners by performing their duties conscientiously, but without harshness. They should especially try to raise the prisoners' minds to a proper feeling of moral obligation by the example of their own uniform regard to truth and integrity even in the smallest matters.

98. An officer shall without delay inform the head constable of any prisoner who desires to see him, or to make any complaint or to prefer any request to him or to any superior authority.

99. It is the duty of every officer to direct the attention of the head constable to any prisoner who appears to be out of health, although he does not complain, or whose state of mind appears to be deserving of special notice and care, in order that the opinion and instructions of the medical officer may be taken on the case.

100.—(1.) Officers shall at all times carefully watch the prisoners in their various movements and employments, shall give the necessary directions thereon, and shall use the utmost alacrity and

## [Shanghai Prison Regulations.]

vigilance to promote industry and to maintain order and silence among them, and to prevent the escape of any prisoner.

(2.) Officers shall carefully observe the character, habits, and industry of the prisoners under their charge, and shall carefully and impartially keep such records as may be ordered, and shall afford at all times to their superiors unreserved information on such subjects.

101.—(1.) An officer shall not strike a prisoner unless compelled to do so in self-defence.

(2.) In any case in which the application of force to a prisoner is needful, no more force than is necessary shall be used.

(3.) An officer shall not inflict any punishment or privation of any kind upon any prisoner unless ordered by the head constable.

102. An officer shall not fail, on any pretence whatever, through favour or mistaken notions of kindness, to make an immediate report to the head constable of any misconduct or wilful disobedience of orders.

103.—(1.) An officer shall not allow any familiarity on the part of a prisoner towards himself or any other officer or servant of the prison; nor shall he on any account speak of his duties, or of any matters of discipline or prison arrangement, within the hearing of a prisoner.

(2.) An officer shall not speak to a prisoner unnecessarily, nor shall he, by word, gesture, or demeanour, do anything which may tend to irritate any prisoner.

(3.) An officer shall not correspond with or hold any intercourse with the friends or relatives of any prisoner, unless expressly authorized by the head constable.

104.—(1.) An officer shall not make any unauthorized communication concerning the prison or prisoners to any person whatever, and shall not without authority communicate to the public press information derived from official sources or connected with his duties or the prison, and any such communication by an officer without authority will be regarded as a breach of confidence and will render him liable to dismissal.

105. An officer will be held responsible for being fully acquainted with the rules and orders relating to his duties. He shall strictly conform to and obey the orders of the head constable in every respect, and shall assist him in maintaining order and discipline among the prisoners.

106. Every officer shall treat members of the Visiting Committee with the greatest courtesy and respect, and shall at all times treat his superiors with respect. He shall be respectful to the authorities of other Governments, and shall afford all proper assistance to those with whom his duty calls on him to co-operate; taking care, in so doing, not to lose sight of the rules and regulations of the prison or of the special orders he may receive from the prison authorities.

## [Shanghai Prison Regulations.]

107. An officer desiring to appeal against any decision which affects him, or wishing to bring any matter before superior authority, shall without unnecessary delay state his complaint to the Consul-General, for the consideration, if necessary, of His Majesty's Minister.

108. An officer who is suspended from duty for misconduct shall immediately give up his keys and quit the prison, but shall afterwards attend daily at the prison at such hour as the head constable may appoint until otherwise directed.

109. An officer shall not use tobacco or spirituous or fermented liquors within the prison walls, except under such restrictions as to time and place as may be laid down by the Consul-General.

110. If an officer, contrary to orders, brings in or carries out, or endeavours to bring in or carry out, or knowingly allows to be brought in or carried out, to or for any prisoner, any money, clothing, provisions, tobacco, letters, papers, or other articles whatsoever, he shall be forthwith suspended from his office by the head constable, who shall report the offence to the Consul-General.

*Head Constable.*

111. The head constable shall be appointed by His Majesty's Minister.

112. The head constable shall reside in the house assigned to him.

113. The head constable shall strictly conform to the prison rules, and shall be responsible for the due observance of them by others. He shall observe the conduct of the prison officers, and enforce on each of them the due execution of his duties, and shall not permit any subordinate officer to be employed in any private capacity, either for any other officer of the prison or for any prisoner.

114. The head constable, in case of misconduct, may suspend any subordinate officer, and shall report the particulars without delay to the Consul-General.

115.—(1.) The head constable shall visit and inspect daily the wards, cells, yards, and divisions of the prison, also the bake-house, kitchen, and workshops, and every cell or other place in which any prisoner is undergoing punishment or special discipline or charged with any offence, and, as far as practicable, shall see every prisoner once at least in every 24 hours. It shall be his duty to visit daily all prisoners while employed at labour, and see that they are industrious and that all orders respecting the application of labour are duly enforced; and in default of such daily visits and inspections, he shall state in his journal how far he has omitted them, and the cause thereof.

(2.) When visiting the prison in which female prisoners are kept, the head constable shall be attended by a female officer.

116. The head constable shall take every precaution to prevent the escape of prisoners, and shall take care that all officers are well

instructed as to their duties and responsibilities in this respect and vigilant in fulfilling them.

117. The head constable shall assure himself that all gates are locked at the proper times, and that all keys of the prison are kept in the authorized place or in the possession of the authorized officers, and he shall not allow any key of the prison to be taken outside the gate.

118. The head constable shall, at least once during the week, go through every part of the prison at an uncertain hour of the night; which visits, with the hour and state of the prison at the time, he shall record in his journal.

119. If the head constable omits to perform any duty or routine prescribed he shall record the omission in his journal with the cause thereof.

120.—(1.) The head constable shall cause an abstract of the regulations relating to the treatment and conduct of prisoners, with a copy of the prison dietaries (printed in legible characters), to be posted in each cell, and shall read them or cause them to be read to every prisoner who cannot read within 24 hours after his admission.

(2.) The head constable shall take an early opportunity of seeing all prisoners after their admission and satisfying himself that they understand the rules and regulations to which they are required to conform, and the consequences of idleness and misconduct.

121.—(1.) The head constable shall, without delay, call the attention of the medical officer to any prisoner whose state of mind or body appears to require attention, and shall carry into effect the written directions of the medical officer respecting alterations of the discipline or treatment of any such prisoner.

(2.) The head constable shall notify to the medical officer, without delay, the illness of any officer or prisoner.

122. The head constable shall, when required, provide for the chaplain and the medical officer a list of prisoners under punishment.

123. The head constable shall visit the infirmary daily and see all prisoners therein, and shall take care that proper arrangements are made for the safe custody of the sick prisoners and that discipline is maintained so far as is consistent with the medical treatment prescribed for them. He shall on all occasions support the medical officer in the performance of his duties.

124. Upon the death of a prisoner the head constable shall give immediate notice thereof to the coroner, also to the Visiting Committee, the Consul-General, and the nearest relative of the deceased, where practicable.

125.—(1.) The head constable shall see that no officer of the prison, nor any prisoner, nor any person who is under contract to supply anything for the service of the prison, is a juror on any inquest held on the body of a prisoner who has died in his custody.

(2.) The head constable shall supply to the coroner the name of



## [Shanghai Prison Regulations.]

any prisoner who tenders his evidence in the case of an inquest about to be held on the body of any prisoner.

(3.) The head constable shall report to the Consul-General in respect of any inquest on a prisoner the finding of the jury or other circumstances which may occur at the inquest.

126. The head constable shall, without delay, report to the Consul-General any case of insanity or apparent insanity occurring among the prisoners, or any case in which the medical officer is of opinion that the life of any prisoner will be endangered by further imprisonment, or that any sick prisoner will not survive his sentence, or is totally and permanently unfit for prison discipline, or has reason to believe that the mental state of any prisoner is becoming impaired or enfeebled by continued imprisonment.

127.—(1.) The head constable shall make in the prescribed form a daily report to the Consul-General.

(2.) The head constable shall keep and be responsible for such books and records as may from time to time be prescribed.

128.—(1.) The head constable shall not, without permission in writing from the Consul-General, be absent from the prison for a night, except from unavoidable necessity. If from unavoidable necessity he is absent for a night, and has not been able to obtain leave for such absence, he shall at once inform the Consul-General of the fact and the cause of it, and shall record it in his journal. He shall also enter his leave of absence, with the authority for it, in his journal. Before leaving the prison at any time he shall give over the charge of it to the officer acting in his place.

(2.) When the head constable is absent from the prison his deputy shall perform all his duties, and on such occasions the deputy shall be competent to perform any duty required to be performed by the head constable.

129.—(1.) The head constable shall take care that the labour of all the prisoners is made use of in such a way as to be to the best advantage to the public service, and shall not employ, or allow to be employed, any prisoner in any private work whatever for himself or for any other officer of the prison.

(2.) The head constable shall promote the useful employment and industrial training of the prisoners.

130. The head constable shall use his best endeavours to assist in the identification of prisoners, and with that object shall furnish to the heads of other prisons, and to the police, any information in his power.

131.—(1.) The head constable shall not allow any person to view the prison except on the written order of a member of the Visiting Committee or of the Consul-General, or unless authorized by these rules, and shall be careful that no visitor holds any communication with any prisoner unless duly authorized to do so.

(2.) The head constable shall not allow any person besides the authorized officers to pass into or out of the prison after the gates

## [Shanghai Prison Regulations.]

are locked for the night, nor until the hour appointed for opening the prison on the following morning, except in some special case, which latter shall be entered in his journal.

(3.) The head constable may examine all persons and vehicles going in or out of the prison, and may exclude any person who refuses to be examined.

(4.) The head constable may remove from the prison any visitor to the prison or to a prisoner whose conduct is improper, recording the same in his journal.

132. The head constable shall notify to the chaplain or prison minister and medical officer the case of any prisoner whose life is in danger, or whose state of health in mind or body appears to require their attention.

133.—(1.) The head constable shall carry into effect the written recommendation of the medical officer for the alteration of the discipline or treatment of any prisoner, or for the supply of any additional articles to any prisoner on medical grounds.

(2.) The head constable shall carry into effect the written recommendation of the medical officer for separating from the other prisoners any prisoner labouring or suspected of labouring under any infectious, contagious or mental disease ; and shall immediately take such steps as may be necessary to prevent the spread of any contagious or infectious disease.

134. In any case in which the sickness of any prisoner has, in the opinion of the medical officer, assumed an aspect of danger, the head constable shall whenever practicable inform the relatives of such prisoner thereof.

135. The head constable shall pay attention to the ventilation, drainage, and sanitary condition of the prison, and shall request His Majesty's Surveyor of Works to take such measures as may be necessary for their being maintained in perfect order.

136. The head constable shall take care that proper precautions against fire are adopted, and that all appliances for the extinction of fire are at all times kept in good order and ready for use. He shall take care that instructions are given as to the steps to be taken in case of fire, and that the officers concerned are acquainted with their duties on such occasions.

137.—(1.) The head constable shall take care that every prisoner having a complaint to make or request to prefer to him shall have ample facilities for doing so, and he shall redress any grievance or take such steps as may seem necessary, recording the same in his journal.

(2.) The head constable shall forward to the Consul-General without delay any report or complaint which any officer of the prison desires to make to him, and shall on no account suppress it, but he may offer any explanation with it which it may seem to require.

(3.) The head constable shall forward to the Consul-General any report or complaint against an officer ; but, in every such case, the

## [Shanghai Prison Regulations.]

officer shall be permitted to see the charge against him, and to reply to it, for the information of the Consul-General.

(4.) The head constable shall inform the Visiting Committee of the desire of any prisoner to see them.

138.—(1.) The head constable shall see that every prisoner under punishment is visited during the day at intervals of not more than three hours by the appointed officer.

(2.) The head constable shall take care that no prisoner is subjected to any punishment which the medical officer is not satisfied he is capable of undergoing.

(3.) The head constable shall attend every corporal punishment inflicted within the prison ; and he shall enter in his journal the hour at which the punishment was inflicted, the number of lashes or strokes given, and any order which he or the medical officer may have given on the occasion.

139. If the head constable put a prisoner in irons or under other mechanical restraint, he shall give notice thereof forthwith to the Consul-General or the Visiting Committee ; and he shall not keep a prisoner in irons or under other mechanical restraint for more than 24 hours without an order in writing from the Consul-General or the Visiting Committee, specifying the cause thereof and the time during which the prisoner is to be kept in irons or under mechanical restraint, which order shall be preserved by the head constable as his warrant.

140. Before granting any permission for any purpose to any prisoner by authority of the rules applicable to the class to which the prisoner belongs, the head constable shall satisfy himself that it can be granted without interfering with the security, good order, and government of the prison and the prisoners therein, and if, after it has been granted, its continuance seems likely to cause any such interference, or the prisoner has abused such permission or has been guilty of any misconduct, he may suspend or withdraw such permission. Further, where such permission has been granted by the Visiting Committee, he may, in the like circumstances, suspend it if the case is urgent, provided that he reports the suspension within 24 hours to them. He shall enter in his journal all cases where such permission has been granted, suspended, or withdrawn, stating the reasons.

141. The head constable, or his deputy, shall read every letter addressed to or written by a prisoner, and every such letter shall be marked with the initials of the head constable, or his deputy, as the case may be. The head constable shall use his discretion in communicating to or withholding from a prisoner at any time the contents of any letter addressed to the prisoner ; but shall note in his journal every case in which he thinks it proper to withhold a letter which, according to the rules, might be communicated to or written by a prisoner.

142. The head constable shall freely report to the Consul-

## [Shanghai Prison Regulations.]

General on all matters relating to the prison, apprising him of any occurrence of importance ; and in case of any emergency not sufficiently provided for in the rules he shall apply to him and conform to his orders ; acting if necessary in the meantime to the best of his own judgment according to the circumstances of the case.

143. The head constable, or his deputy, shall attend divine service in the prison whenever it is performed, inserting in his journal any omission, and the cause thereof. He shall see that the subordinate officers and prisoners attend such service as directed by the rules.

144. The head constable shall not fail to write up daily the following books, in addition to those prescribed under Rule 127 (2)—

- (1.) A journal in which he shall record all such matters as he is directed by these rules, and all other occurrences of importance within the prison.
- (2.) A nominal record of all prisoners committed to his charge in such form as he may be directed by the Visiting Committee.
- (3.) A record of articles taken from prisoners.

*Matron and Female Officers.*

145. If a matron or female officers be appointed permanently or temporarily they shall perform, in respect of the female prisoners, the same duties respectively as the head constable and the prison officers do according to these rules in respect of the male prisoners.

*Medical Officer.*

146. The medical officer shall attend all sick prisoners, and all officers and servants of the prison resident at the prison. He shall also attend the families of officers and servants of the prison, subject to such conditions and limitations as may be prescribed by the Consul-General.

147. The medical officer shall himself conform to the rules and regulations of the prison, and shall support the head constable in the maintenance of discipline and order and the safe custody of the prisoners.

148.—(1.) The medical officer shall visit the prison when necessary, and shall see every prisoner at least once a week, so as to ascertain his general state of health, and whether he is clean in his person and free from disease.

(2.) The medical officer shall every day see such prisoners as complain of illness, informing the head constable as to their fitness or otherwise for labour. He shall visit the sick in the infirmary at such times as may be necessary. He shall attend at once on receiving information of the serious illness of any prisoner or officer.

## [Shanghai Prison Regulations.]

(3.) The medical officer shall examine every prisoner on reception, and shall record his state of health and such facts connected therewith as may be directed.

(4.) The medical officer shall frequently examine the washing places, baths, and other provisions for purposes of cleanliness or sanitation and see whether they are in efficient working order, and report at once to the Consul-General any defect or insufficiency therein.

149. As early as practicable in every month, the medical officer shall inspect every part of the prison, for the purpose of ascertaining that nothing exists therein likely to be injurious to the health of the prisoners, and especially that the ventilation is sufficiently provided for and properly attended to. The result of this inspection shall be recorded in his journal.

150. The medical officer shall frequently inspect the food, cooked and uncooked, of the prisoners, and shall report when necessary to the Consul-General as to the quality of the provisions, and also as to sufficiency of clothing and bedding, any deficiency in the quantity or defect in the quality of the water, or any other cause which may affect the health of the prisoners.

151.—(1.) The medical officer shall enter, day by day, in his journal, to be kept in the prison, an account of the state of every sick prisoner, the name of his disease, a description of the medicines and diet, and any other treatment which he orders for such prisoner.

(2.) The medical officer shall also record such matters connected with his duties as may be directed.

152.—(1.) When the medical officer has any reason to suspect that the mental state of any prisoner is becoming impaired or enfeebled by continued imprisonment, he shall take such prisoner under his special observation; and should there be good reason to believe that, either from the conduct of the prisoner or from his manner and habits, there are signs of incipient insanity, he shall report the circumstances to the head constable for the information of the Consul-General, stating, in cases of doubt, whether he desires any special or additional advice.

(2.) Whenever the medical officer has reason to believe that a prisoner's health is likely to be injuriously affected by the discipline or treatment, he shall report the case in writing to the Consul-General, together with such recommendations as he thinks proper, and he shall call the attention of the chaplain to any prisoner who appears to require his special notice.

(3.) The medical officer shall give notice to the head constable and the chaplain when the sickness of any prisoner appears to him to assume an aspect of danger.

(4.) The medical officer shall indicate to the head constable the case of any prisoner to which he thinks it necessary on medical grounds to draw attention, and shall make such recommendation as he deems needful for the alteration of the discipline or treatment of the prisoner, or for the supply to him of additional articles.

## [Shanghai Prison Regulations.]

(5.) Whenever the medical officer is of opinion that the life of any prisoner will be endangered by his continuance in prison, or that any sick prisoner will not survive his sentence, or is totally and permanently unfit for prison discipline, he shall state the opinion, and the grounds thereof, in writing, to the Consul-General.

153. If any case of peculiar difficulty or danger occurs, the medical officer may call in additional aid, referring previously to the Consul-General for approval, if the case will reasonably admit of such reference. No serious operation shall be performed without a previous consultation with another medical practitioner, except under very urgent circumstances not admitting of delay, which circumstances the medical officer shall record in his journal.

154. The medical officer shall, forthwith on the death of any prisoner, enter in his journal the following particulars, viz., at what time the deceased was taken ill, when the illness was first notified to the medical officer, the nature of the disease, when the prisoner died, and an account of the appearances after death (in cases where a post-mortem examination is made), together with any special remarks that appear to him to be required.

155. In case of sickness, necessary engagement, or leave of absence, the medical officer shall appoint a substitute, approved of by the Consul-General. The name and residence of the substitute shall be entered in his journal.

156. Where the medical officer considers it necessary to apply any painful test to a prisoner to detect malingering or otherwise, the test shall only be applied by authority of an order from the Visiting Committee or the Consul-General.

157. When any prisoner is about to be removed from the prison, the medical officer shall duly examine him, and certify as to his fitness to leave the prison, and as to such other particulars regarding him as may be required.

158. The medical officer shall give directions for separating from the other prisoners any prisoner labouring under any infectious, contagious or mental disease, or suspected thereof, and shall immediately take such steps as may be necessary to prevent the spread of any contagious or infectious disease.

159. The medical officer shall inform the head constable of any particular point of which he may become aware in regard to the person of any prisoner which might assist in identifying him.

160. The medical officer shall examine every prisoner sentenced to hard labour, and shall report if he is unfit to be kept at hard labour or at any particular kind of labour, and shall assist when called on in assigning the task of labour according to the physical capacity of a prisoner. He shall from time to time examine the prisoners during the time of their being employed at hard labour, and shall report and enter in his journal the name of any prisoner whose health he thinks to be endangered by a continuance at hard labour of any particular kind, and shall inform the head constable;

## [Shanghai Prison Regulations.]

and thereupon that prisoner shall not again be employed at such labour until the medical officer certifies that he is fit for such employment.

161. The medical officer shall have the general care of the health of the prisoners, and shall report to the Consul-General and make known to the head constable any circumstance connected with the prison or the treatment of the prisoners which at any time appears to him to require consideration on medical grounds.

162.—(1.) When a prisoner is placed in close confinement, or is subjected to corporal or dietary punishment, the medical officer shall examine him and certify whether or not he is fit for the punishment.

(2.) The medical officer shall attend every corporal punishment inflicted in the prison, and his instructions thereon for preventing injury to health shall be obeyed.

163.—(1.) The medical officer shall keep such statistical records and furnish such returns as may be directed relative to the health and medical treatment of officers and prisoners, and to the sanitary condition of the quarters of the officers and of the prison buildings.

(2.) The medical officer shall report periodically, and from time to time as may be directed, on the general health and sanitary condition of the establishment, the health of the officers, their capability for performing their duties, the health of the prisoners, and in reference to any other point upon which he may be directed to report.

(3.) The medical officer may at any time offer any suggestion for improvements or for the advantage of the service.

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PART II.—*Prisoners Awaiting Trial.*

*Admission, Discharge and Removal.*

164. The following rules shall apply to any person committed to prison for safe custody in any of the following circumstances :—

- (a.) Awaiting summary trial or preliminary examination.
- (b.) Awaiting trial on a charge.
- (c.) Awaiting trial in a court in His Majesty's dominions.
- (d.) Awaiting sentence.

165. A prisoner awaiting trial shall not be required to take a bath on reception, if, on the application of the prisoner, the head constable decides that it is unnecessary or the medical officer states that it is, for medical reasons, inadvisable.

166. In order to prevent prisoners awaiting trial from being contaminated by each other or endeavouring to defeat the ends of justice they shall be kept separate, and shall not be permitted to communicate together.

## [Shanghai Prison Regulations.]

167. Prisoners awaiting trial shall, as far as practicable, be kept apart from convicted prisoners.

168. The Visiting Committee shall, on the application of any prisoner awaiting trial, if, having regard to his ordinary habits and condition of life, they think such special provision should be made in his case, permit him—

- (1.) To occupy, on payment of a small sum fixed by the Consul-General, a suitable room or cell specially fitted for such prisoners and furnished with suitable bedding and other articles in addition to or different from those furnished for ordinary cells ;
- (2.) To take exercise separately or with selected untried prisoners, if the arrangements and construction of the prison permit it ;
- (3.) To have at his own cost the use of private furniture and utensils suitable to his ordinary habits, to be approved by the head constable ;
- (4.) To have, on payment of a small sum fixed by the Consul-General, the assistance of some person to be appointed by the head constable, relieving him from the performance of any unaccustomed tasks or offices.

169. The Visiting Committee or the Consul-General may also permit the head constable to modify the routine of the prison in regard to any prisoner awaiting trial so far as to dispense with any practice which, in the opinion of the head constable, is clearly unnecessary in the case of that particular prisoner.

170. Any money in the hands of the head constable belonging to any prisoner awaiting trial may be applied to the purpose of making special provision for him in cases where the prisoner is, by these rules, required to make any payment in respect of such special provision.

171. The head constable shall, on the application of any prisoner awaiting trial, permit him to have any books, papers, documents, or other articles in his possession at the time of his arrest which may not be required for evidence against him, and are not reasonably suspected of forming part of property improperly acquired by him, or are not for some special reason required to be taken from him for the purposes of justice or of prison discipline.

*Food, Clothing and Bedding.*

172. A prisoner awaiting trial may procure for himself, or receive at proper hours, food and malt liquor, clothing, bedding, or other necessities, subject to examination and to such rules as may be approved by the Consul-General ; and any articles so procured may be paid for out of the money belonging to the prisoner in the hands of the head constable. If a prisoner awaiting trial does



## {Shanghai Prison Regulations.}

not provide himself with food, he shall receive the allowance of food allotted by the rules of the prison to prisoners awaiting trial.

173. A prisoner awaiting trial may, if he desires it, wear the prison dress, and he shall be required to do so if his own clothes are insufficient or unfit for use or necessary to be preserved for the purposes of justice. The prison dress for a prisoner awaiting trial shall be of a different colour from that of convicted prisoners.

174. When a prisoner awaiting trial is allowed by the rules to wear his own clothing in prison, the medical officer may, for the purpose of preventing the introduction or spread of infectious disease, order that the clothing be disinfected; and thereupon the clothing shall be disinfected as speedily as possible, and during the process of disinfection the prisoner may be required to wear the prison clothing prescribed for the class of prisoners to which he belongs.

175. If a prisoner awaiting trial prefers to provide his own food for any meal he shall give notice thereof beforehand at the time required; but the head constable shall not permit any such prisoner to receive any prison allowance of food for the meal for which he procures or receives food at his own expense.

176. Articles of food shall be received by a prisoner awaiting trial only at such hours as may be laid down from time to time. They shall be inspected by the officers of the prison, and shall be subject to such restrictions as may be necessary to prevent luxury or waste.

177. A prisoner awaiting trial shall not during any period of 24 hours receive or purchase more than one pint of malt liquor, fermented liquor or cider, or, if an adult, half a pint (8 ozs.) of wine.

178. No prisoner awaiting trial shall sell or transfer any article whatsoever allowed to be introduced for his use to any other person; and any prisoner transgressing this rule shall be prohibited from procuring any such article for such period as the Consul-General may deem proper.

*Cleanliness.*

179. A prisoner awaiting trial shall not be compelled either to have his hair cut, or (if he usually wears his beard, &c.) to shave, except on account of vermin or dirt, or when the medical officer deems it necessary on the ground of health and cleanliness, and the hair of the prisoner shall not be cut closer than may be necessary for the purpose of health and cleanliness.

180. The beds of prisoners awaiting trial shall be made and the rooms and yards in their occupation shall be swept and cleaned every morning. The furniture and utensils appropriated to their use shall be kept clean and neatly arranged. Should any such prisoner object to perform any of these duties, they may be performed for him by an assistant provided under these rules.

## [Shanghai Prison Regulations.]

*Health.*

181. If any prisoner awaiting trial who is out of health desires the attendance of his usual medical attendant, the Visiting Committee or Consul-General shall, if they are satisfied that the application is *bond fide*, permit him to be visited by that medical attendant at his own expense, and to be supplied with medicine by him, proper precautions being in all cases observed to prevent abuse of these privileges.

*Books, &c.*

182. A prisoner awaiting trial shall be permitted to have supplied to him, at his own expense, such books, newspapers or other means of occupation, other than those furnished by the prison, as are not, in the opinion of the Visiting Committee, or in their absence and pending their approval in the opinion of the head constable, of an objectionable kind.

*Employment.*

183. A prisoner awaiting trial shall have the option of employment, but shall not be compelled to perform any labour.

184. If any such prisoner is acquitted, or if on preliminary examination the case is dismissed against him, such an allowance on account of his earnings, if any, shall be paid to the prisoner on his discharge as the Consul-General thinks reasonable.

185. So far as prison arrangements admit, facilities shall be given to prisoners awaiting trial to work and follow their trades and employments, and all earnings of any such prisoner, after payment thereout of such sum as the Consul-General may determine on account of the cost of his maintenance in the prison, or on account of the use of implements lent to him, shall belong to him.

*Visits and Communications.*

186.—(1.) Due provision shall be made for the admission at proper times and under proper restrictions of persons with whom prisoners awaiting trial desire to communicate, care being taken that, so far as is consistent with the interests of justice, the prisoners shall see their legal advisers alone.

(2.) Every prisoner awaiting trial shall be permitted to be visited by one person, or (if circumstances permit) by two persons at the same time, for a quarter of an hour on any week day, during such hours as may be appointed.

(3.) The Visiting Committee or Consul-General may, in any special case for special reasons, prolong the period of the visit allowed to any prisoner awaiting trial, or allow him to be visited by more than two persons at the same time.

(4.) Every endeavour shall be made to provide that prisoners

## [Shanghai Prison Regulations.]

awaiting trial be not, when being visited, exposed to the view of the friends of other prisoners, and to prevent the friends of one prisoner from coming in contact with the friends of another while in the prison.

187. A prisoner awaiting trial shall at his request be allowed to see his legal adviser on any week day at any reasonable hour, and, if required, in the sight but not in the hearing of an officer.

188. A prisoner awaiting trial who is in prison in default of bail shall be permitted to see any of his friends, on any week day, at any reasonable hour, for the *bonâ fide* purpose of providing bail.

189. Paper and all other writing materials to such extent as may appear reasonable to the head constable shall be furnished to any prisoner awaiting trial who requires to be so supplied for the purposes of communicating with friends or preparing a defence. Any confidential written communication prepared as instructions for his legal adviser may be delivered personally to him or his authorized clerk, without being previously examined by any officer of the prison; but all other written communications are to be considered as letters and are not to be sent out of the prison without being previously inspected by the head constable.

190. A prisoner awaiting trial who is attended or visited by a minister of a church or persuasion differing from the Established Church shall not be compelled to attend any religious services except those of the said church or persuasion; but, subject to the foregoing provisions, the prisoners shall attend divine service on Sundays and on other days when such service is performed, unless prevented by illness or unless their attendance is dispensed with by the head constable, the Consul-General or the Visiting Committee for any sufficient reason.

191. Prisoners awaiting trial shall also be subject to any general prison rules, except so far as they are inconsistent with the special rules relating to prisoners awaiting trial.

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PART III.—*Offenders of the First Division.*

*Admission and Treatment.*

192. An offender of the first division shall be kept, as far as possible, apart from other classes of prisoners.

193. An offender of the first division shall not be required to take a bath on reception if, on the application of the prisoner, the head constable decides that it is unnecessary or the medical officer states that it is, for medical reasons, inadvisable.

194. Every offender of the first division shall be searched only by an officer specially appointed for the purpose.

195.—(1.) An offender of the first division shall be placed, as

## [Shanghai Prison Regulations.]

soon as possible after reception, in a room or cell appropriated to prisoners of his class, unless there is reason to believe that he is suffering from some infectious disease, in which case he shall be detained in a reception cell till he can be seen by the medical officer.

(2.) An offender of the first division shall at all times, except when at chapel or exercise, occupy the room or cell assigned to him.

196. The Visiting Committee shall, on the application of any offender of the first division, if, having regard to his ordinary habits and conditions of life, they think such special provision should be made in respect to him, permit any such prisoner—

- (1.) To occupy, on payment of a small sum fixed by the Consul-General, a room or cell specially fitted for such prisoners and furnished with suitable bedding and other articles in addition to or different from those furnished for ordinary cells ;
- (2.) To have at his own cost the use of private furniture and utensils suitable to his ordinary habits, to be approved by the head constable ;
- (3.) To have, on payment of a small sum fixed by the Consul-General, the assistance of some person to be appointed by the head constable, relieving him from the performance of any unaccustomed tasks or offices.

197. Any money in the hands of the head constable, belonging to any offender of the first division, may be applied for making special provision for him in respect of which payment is by these rules required to be made.

*Food and Clothing.*

198. An offender of the first division shall be permitted by the Visiting Committee to supply his own food on giving due notice beforehand, at the time required ; but the head constable shall not permit him to receive any prison allowance of food at any meal for which he procures or receives food at his own expense.

199. Articles of food shall be received for offenders of the first division only at such hours as are fixed for the purpose. They shall be inspected by the officers of the prison, and shall be subject to such restrictions as may be necessary to prevent luxury or waste.

200. An offender of the first division shall not during any period of 24 hours receive or purchase more than one pint of malt liquor, fermented liquor or cider, or, if an adult, half a pint (8 ozs.) of wine.

201. An offender of the first division shall be permitted by the Visiting Committee to wear his own clothing, provided that.

## [Shanghai Prison Regulations.]

it is sufficient and is fit for use. The prison dress for an offender of the first division who does not wear his own clothing shall be of a different colour from that of other classes of prisoners.

202. When an offender of the first division is allowed to wear his own clothing in prison, the medical officer may, for the purpose of preventing the introduction or spread of infectious disease, order that the clothing be disinfected; and thereupon the clothing shall be disinfected as speedily as possible, and during the process of disinfection the prisoner may be required to wear the prison clothing prescribed for the class of prisoners to which he belongs.

203. No offender of the first division shall be allowed to sell or transfer any article whatsoever allowed to be introduced for his use to any other person.

*Cleanliness.*

204. An offender of the first division shall not be compelled either to have his hair cut, or (if he usually wears his beard, &c.) to shave, except on account of vermin or dirt, or when the medical officer deems it necessary on the ground of health and cleanliness, and the hair of the prisoner shall not be cut closer than may be necessary for the purposes of health and cleanliness.

205. The beds of offenders of the first division shall be made and the rooms and yards in their occupation shall be swept and cleaned every morning. The furniture and utensils appropriated to their use shall be kept clean and neatly arranged. Should any such prisoner object to perform any of these duties, they may be performed for him by an assistant provided under these rules.

*Books, &c.*

206. An offender of the first division shall be permitted to have supplied to him, at his own expense, such books, newspapers or other means of occupation, other than those furnished by the prison, as are not, in the opinion of the Visiting Committee, or in their absence and pending their approval in the opinion of the head constable, of an objectionable kind.

*Employment.*

207. Offenders of the first division shall not be required to work, but they may be permitted (a) to follow their trades and professions, if practicable, (b), with their consent, to be employed on the industries of the prison. In the former case, if they find their own implements and are not maintained at the expense of the prison, they shall be allowed to receive the whole of their earnings, but the earnings of those who are furnished with implements or are maintained at the expense of the prison shall be subject to a deduction, to be determined by the Consul-General, for the use of implements and the cost of maintenance. In the latter case, they shall be entitled to earn such gratuity as the Consul-General shall determine.

## [Shanghai Prison Regulations.]

*Visits and Communications.*

208.—(1.) An offender of the first division shall be permitted to be visited once a fortnight by not more than three friends or relations at the same time, for a period of a quarter of an hour, during such hours as may be appointed. He shall also be allowed to write one letter and to receive one letter in each fortnight.

(2.) The Visiting Committee may, by permission in any special case for special reasons, prolong the period of the visit allowed to any offender of the first division, or allow additional visits or letters to such reasonable extent as they deem advisable.

(3.) The place in which offenders of the first division receive their visits shall not be the same as that in which other prisoners receive their visits, if any other suitable place can conveniently be provided.

209. An offender of the first division who is attended or visited by a minister of a church or persuasion differing from the Established Church shall not be compelled to attend any religious services except those of the said church or persuasion; but, subject to the foregoing provision, the prisoners shall attend divine service on Sundays and on other days when such service is performed, unless they are prevented by illness or their attendance is dispensed with by the head constable, the Consul-General or the Visiting Committee for any other reason.

210. Offenders of the first division shall also be subject to any general prison rules, except so far as they are inconsistent with the special rules relating to offenders of the first division.

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PART IV.—*Debtors.**Admission, Discharge and Removal.*

211. Any persons imprisoned for default in payment of a debt, including a civil debt recoverable summarily, or in default, or in lieu of distress to satisfy a sum of money adjudged to be paid by order of a Court, when the imprisonment is to be without hard labour, shall be classed as debtors and treated under the following rules.

212. A debtor prisoner shall not be associated with criminal prisoners.

213. A debtor prisoner shall not be required to take a bath on reception, if, on the application of the prisoner, the head constable shall decide that it is unnecessary or the medical officer shall state that it is, for medical reasons, inadvisable.

214. A debtor prisoner shall at all times, except when at chapel or exercise, occupy the cell assigned to him.

## [Shanghai Prison Regulations.]

*Food, Clothing and Bedding.*

215. A debtor prisoner shall receive the allowance of food prescribed for offenders of the first division who do not maintain themselves.

216. A debtor prisoner shall be permitted to wear his own clothing, unless it is unfit for use. The prison dress for a debtor prisoner who does not wear his own clothing shall be of a different colour from that of convicted criminal prisoners.

*Cleanliness.*

217. A debtor prisoner shall not be compelled either to have his hair cut, or (if he usually wears his beard, &c.) to shave, except on account of vermin or dirt, or when the medical officer deems it necessary on the ground of health and cleanliness; and the hair of such prisoner shall not be cut closer than may be necessary for the purposes of health and cleanliness.

218. The beds of debtor prisoners shall be made and the rooms and yards in their occupation shall be swept and cleaned by them every morning. The furniture and utensils appropriated to their use shall be kept clean and neatly arranged by them.

*Employment.*

219. A debtor prisoner shall be required to work either at his own trade or profession, provided his employment does not interfere with the regulations of the prison, or, so far as can be arranged, at work of an industrial or manufacturing nature, and he shall be allowed to receive the whole of his earnings subject to a deduction for the cost of his maintenance and for the use of implements when furnished by the prison.

*Health.*

220. Debtor prisoners may be permitted to exercise in the forenoon and afternoon of each day during such periods as the circumstances of the prison may allow, and during the same periods they shall be permitted to associate together in an orderly manner.

*Visits and Communications.*

221. A debtor prisoner shall be permitted to receive a visit of a quarter of an hour's duration and also to write and receive one letter in each week, and the Visiting Committee may, for special reasons, prolong the period of the visit allowed to any such prisoner or accord additional visits or letters to such reasonable extent as they may deem advisable.

222. In applying to a debtor prisoner the General Rule 64, any request from the legal adviser, wife, or relative of such debtor to visit such debtor is to be granted at any reasonable hour of the day.

223. The place in which debtor prisoners receive their visits

## [Shanghai Prison Regulations.]

shall not be the same as that in which criminal prisoners receive their visits, if any other suitable place can conveniently be provided.

224. Debtor prisoners shall also be subject to any general rules made by His Majesty's Minister for the government of prisons, except so far as the same are inconsistent with the special rules relating to debtors.

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PART V.—*Juvenile Offenders Awaiting Trial.*

225.—(1.) All prisoners under the age of 16 who are under remand or awaiting trial shall be classed as juvenile offenders awaiting trial.

(2.) Any prisoner who declares himself to be more than 16 years of age, but who in the opinion of the head constable, chaplain, and medical officer of the prison should not, having regard to his character, constitution and antecedents, properly be classed with adult prisoners shall also be classed as a juvenile offender.

226. In order that confinement may be as little as possible oppressive, every unconvicted juvenile prisoner of tender years shall be allowed to have his cell door open between the hours of 6 a.m. and 6 p.m. if the head constable, chaplain or medical officer is of opinion that this is necessary or desirable, the head constable being responsible that such precautions are observed as will ensure that a juvenile prisoner shall not be able to enter the cell of any other prisoner, and *vice versa*.

227. Every unconvicted juvenile prisoner shall be allowed two periods of exercise daily. This exercise shall consist of ordinary walking or physical drill or of garden work, each boy being kept apart from the others.

228. Every unconvicted juvenile prisoner shall, if possible, be instructed during at least one hour every day. Any boy whose ignorance makes it impossible to instruct him shall, if possible, be read to from books specially selected by the chaplain.

229. The head constable shall encourage every unconvicted juvenile prisoner to work either at his own trade or at a trade or occupation pursued in the prison. If employed on the latter, he shall be remunerated as laid down in Rule 185 for prisoners awaiting trial. The chaplain shall also encourage every unconvicted juvenile prisoner in habits of industry.

230. The chaplain shall select books for the use of unconvicted juvenile prisoners, picture books being provided for those who cannot read.

231. These rules shall apply, as far as practicable, to juvenile female prisoners under 16 years of age.

232. Unconvicted juvenile offenders shall also be subject to the rules for prisoners awaiting trial and to any general prison rules, except so far as they are inconsistent with the special rule for juvenile offenders awaiting trial.



## [Shanghai Prison Regulations.]

*Juvenile Offenders under Conviction.*

233.—(1.) Every prisoner under the age of 16 shall be classed as a juvenile offender.

(2.) Any prisoner who declares himself to be more than 16 years of age, but who, in the opinion of the head constable, chaplain and medical officer of the prison, should not, having regard to his character, constitution and antecedents, properly be classed with adult prisoners, shall also be classed as a juvenile offender.

234. A juvenile offender shall be kept as far as possible apart from adult prisoners, with whom he shall not, on any occasion, be permitted to come into contact.

235. In the case of a juvenile offender the ordinary prison discipline shall be mitigated in the following manner :—

- (a.) He shall not be required to sleep without a mattress ;
- (b.) He shall be allowed specially selected books as well as books of instruction, from the time of his reception and throughout his sentence ;
- (c.) He may be employed in association with other juvenile offenders in workshops, or in outdoor work such as gardening, &c. ;
- (d.) He shall, as far as possible, be instructed in a trade which may be useful to him on release ; and
- (e.) He shall, if medically fit, be exercised daily at physical drill in lieu of, or in addition to, walking exercise, with a view to his physical development.

236. A juvenile offender may be allowed by the Visiting Committee to receive extra visits, if, in their opinion, such visits are desirable and calculated to improve his moral welfare and future career.

237. It shall be the duty of the chaplain to devote individual attention and care to the juvenile offenders, and in co-operation with the Visiting Committee to make every possible provision for their protection and care on discharge.

238. Before a juvenile offender is discharged the head constable shall inform his relatives and friends on what day and at what time he will be discharged, that they may have the opportunity of attending to receive him, but if such relatives or friends are known to be bringing the young prisoner up in evil courses, then the head constable may, with the consent of the Visiting Committee, abstain from informing his relatives, if some other respectable person, to be approved by the Visiting Committee, is willing to take care of him, and the prisoner consents.

239. Convicted juvenile offenders shall also be subject to any general prison rules, except so far as they are inconsistent with the special rules for juvenile offenders under conviction.

## [Shanghai Prison Regulations.]

PART VI.—*The Visiting Committee.*

240. The Visiting Committee shall consist of the following members :—

- (1.) The Judge ;
- (2.) The Assistant Judge ;
- (3.) The Police Magistrate ;
- (4.) One of His Majesty's Vice-Consuls ;
- (5.) The Chairman of the Shanghai Municipal Council (being a British subject) ;
- (6.) The Captain Superintendent of Municipal Police (being a British subject) ;

and such other persons as His Majesty's Minister may appoint. The above six shall be members *ex-officio*. The Judge, or in his absence the Acting Judge, shall be Chairman of the Committee, and it shall be his duty to forward to His Majesty's Minister the reports of the Committee and any representation in regard to the prison or its government the Committee may wish to make.

241. The first meeting of the Visiting Committee shall be held at the prison each year in the month of January.

242. The Visiting Committee shall, at its first annual meeting, make rules as to the members' attendance at the prison for the purpose of carrying out the duties assigned to them.

243. The Visiting Committee and the members thereof may act notwithstanding any vacancy in their body.

244. The Visiting Committee shall keep a book of minutes of their proceedings in which all minutes shall be recorded.

245. They shall meet as a Committee at the prison not less than four times in the year.

246. One or more of them shall visit the prison once in each week, or, if the Committee resolve that for reasons specified in the resolution fortnightly visits are sufficient, then once in each fortnight.

247. Any prisoner who has expressed a wish to do so shall be allowed to see a member of the Visiting Committee on the occasion of such visits.

248. No member of the Visiting Committee may have any interest in any contract made in respect of the prison.

249. The Visiting Committee shall co-operate with the Consul-General in promoting the efficiency of the service, and shall make inquiry into any matter specially referred to them by His Majesty's Minister, and report their opinion thereon.

250. The Visiting Committee shall take care that any abuses in connexion with the prison which come to their knowledge are brought to the notice of the Consul-General immediately.

251. The Visiting Committee shall hear and adjudicate on any report made by the head constable of the misconduct or idleness of any prisoner.

## [Shanghai Prison Regulations.]

252. If the head constable represents to them that he has, in a case of urgent necessity, put a prisoner in irons or under other mechanical restraint, and that it is necessary that the prisoner be so kept for more than 24 hours, they may authorize the detention by order in writing, which shall specify the cause thereof and the time during which the prisoner is to be so kept.

253. The Visiting Committee shall furnish such information with respect to the offences reported to them, and the punishments they award, as may from time to time be required by His Majesty's Minister.

254. They shall hear and investigate any complaint which any prisoner may desire to make to them; and, if necessary, communicate the same, with their opinion, to the Consul-General.

255. They shall attend to any report which they receive as to the mind or body of any prisoner being likely to be injured by the discipline or treatment to which he is subjected, and shall communicate their opinion to the Consul-General. If the case is urgent, they shall give such directions thereon as they deem expedient, communicating the same to the Consul-General.

256. They shall frequently inspect the diets of the prisoners, and if they find that the quality of any article does not fulfil the terms of the contract under which it is supplied, they shall report the circumstances to the Consul-General and note the same in their minute book, and the head constable shall thereupon take such steps as may be immediately necessary to provide the prisoners with suitable food.

257. They may inspect any of the books of the prison.

258. They may, on application from any prisoner, dispense with his attendance at divine service on Sundays and other days.

259. They may, in any case of special importance or urgency, allow a prisoner an additional visit or letter, or prolong the period of a visit.

260. They shall assist the Consul-General with advice and suggestions as to the industrial employment and occupation of prisoners.

261. They shall assist the Consul-General in the selection of library books for the use of prisoners.

262. They shall exercise supervision in carrying out the rules for the treatment of juvenile and unconvicted prisoners.

263. They shall inquire into the state of the prison buildings, and communicate with the Consul-General with respect to any repairs or additions which may appear to them to be necessary.

264. They shall inquire into the condition of prison labour, whether the industrial employments provided are sufficient and of the kind most suitable for preparing prisoners for earning their livelihood on release.

265. They shall make an annual report at the beginning of each year to His Majesty's Minister with regard to all or any of the matters referred to in these rules, or to any other matters

## [Shanghai Prison Regulations.]

appertaining to the prison that they may deem it expedient to report upon; and they shall, from time to time, make such reports to His Majesty's Minister or such communications to the Consul-General as they consider necessary.

266. They shall, before granting any permission which by the prison rules they are authorized or required to grant, satisfy themselves that it can be granted without interfering with the security, good order, and government of the prison and prisoners therein, and if, after it has been granted, its continuance seems likely to cause any such interference, or the prisoner has abused the permission, or has been guilty of any misconduct, they may suspend or withdraw the permission.

267. They are requested to give such assistance as may be in their power towards securing the proper disposal of any gratuities which may be earned by prisoners. They may direct how such gratuities are to be paid in order that they may not be misapplied.

268. The Visiting Committee shall also discharge such other duties as are assigned to them in the special rules for special classes of prisoners and in the general rules for the government of the prison.

Approved,  
E. GREY.

*His Britannic Majesty's Principal Secretary of State  
for Foreign Affairs.*

*Foreign Office, London,  
February 9, 1906.*

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*Annex I.—Abstract of the Regulations relating to the Treatment  
and Conduct of Convicted Prisoners.*

1. Prisoners shall preserve silence.
2. They shall not communicate, or attempt to do so, with one another, or with any strangers or others who may visit the prison.
3. They shall obey such regulations as regards washing, bathing, and, in the case of male prisoners, hair cutting and shaving as may from time to time be established, with a view to the proper maintenance of health and cleanliness.
4. They shall keep their cells, utensils, clothing, and bedding clean and neatly arranged; and shall, when required, clean and sweep the yards, passages, and other parts of the prison.
5. If any prisoner has any complaint to make regarding the diet, it must be made immediately after a meal is served. Frivolous and groundless complaints repeatedly made, will be dealt with as a breach of prison discipline.
6. A prisoner may, if required for purposes of justice, be photographed and measured on reception and subsequently.

## [Shanghai Prison Regulations.]

7. Gratuities earned by prisoners may be paid to them in such manner as the Visiting Committee may direct.

8. Prisoners shall attend divine service on Sundays and on other days when such service is performed, unless they receive permission to be absent. Prisoners shall not be compelled to attend the religious service of a church to which they do not belong.

9. If any prisoner who is of a religious persuasion different from that of the Established Church specially so requests, the head constable shall permit a minister of that persuasion to visit him at proper and reasonable times under regulations approved by the Consul-General.

10. The following offences committed by prisoners will render them liable to punishment :—

- (1.) Disobeying any order of the head constable or of any other officer, or any prison regulation.
- (2.) Treating with disrespect any officer or servant of the prison, or any visitor, or any person employed in connection with the prison or works.
- (3.) Being idle, careless or negligent at work, or refusing to work.
- (4.) Being absent without leave from divine service or prayers.
- (5.) Behaving irreverently at divine service or prayers.
- (6.) Swearing, cursing, or using any abusive, insolent, threatening or other improper language.
- (7.) Being indecent in language, act, or gesture.
- (8.) Committing a common assault upon another prisoner.
- (9.) Conversing or holding intercourse with another prisoner without authority.
- (10.) Singing, whistling, or making any unnecessary noise, or giving any unnecessary trouble.
- (11.) Leaving his cell or other appointed location, or his place of work, without permission.
- (12.) In any way disfiguring or damaging any part of the prison or any article to which he may have access.
- (13.) Committing any nuisance.
- (14.) Having in his cell or possession any article he is not allowed to have.
- (15.) Giving to or receiving from any prisoner any article whatever without leave.
- (16.) In any other way offending against good order and discipline.
- (17.) Attempting to do any of the foregoing things.
- (18.) Personal violence to a fellow prisoner.
- (19.) Grossly offensive or abusive language to any officer or servant of the prison.
- (20.) Wilfully or wantonly breaking the prison windows, or otherwise destroying the prison property.

## [Shanghai Prison Regulations.]

- (21.) When under punishment, wilfully making a disturbance tending to interrupt the order and discipline of the prison.
- (22.) Any other act of gross misconduct or insubordination requiring to be suppressed by extraordinary means.
- (23.) Escaping or attempting to escape from prison.
11. The following offences committed by male prisoners convicted of felony or sentenced to hard labour will render them liable to confinement or dietary punishment :—
- (1.) Mutiny or incitement to mutiny.
- (2.) Gross personal violence to any officer or servant of the prison.
12. Prisoners may, if they desire, have an interview with the head constable, to make complaints or prefer requests; and he shall redress any grievance, or take such steps as may seem necessary.
13. Any prisoner wishing to see a member of the Visiting Committee shall be allowed to do so on the occasion of his next occurring visit to the prison.

Annex II.—*Dietaries.*

1. The diets of convicted prisoners, except those named in Sections 3, 4, 6, and 7, shall be as follows :—

*Diet A.*—Per diem : Bread,  $1\frac{1}{2}$  lbs. ; tea,  $\frac{1}{2}$  oz. ; sugar, 2 ozs. ; water, unlimited.

*Diet B.*—Per diem : Bread,  $1\frac{1}{2}$  lbs. ; tea,  $\frac{1}{2}$  oz. ; sugar, 2 ozs. ; beef, 8 ozs. ; rice and soup,  $1\frac{1}{2}$  pints ; vegetables, 8 ozs. ; salt,  $1\frac{1}{2}$  ozs.

2. The terms to which the above diets shall be severally applied shall be those set forth in the following table :—

Term.	Diet A.	Diet B.
Seven days and under ...	Whole term.	
More than seven days ...	Seven days ...	Remainder of term.

3. The diet for special classes of prisoners, viz. :—

- (a) Prisoners on remand or awaiting trial who do not maintain themselves ;
- (b) Offenders of the first division who do not maintain themselves ;
- (c) Debtors ;
- shall be Diet B.

## [Shanghai Municipal Police.]

4. The diet for ill-conducted or idle prisoners—
- a) When given for a period of three days or less shall consist of—
    - 1 lb. bread per diem with water.
  - (b) When given for more than three days it shall consist of—
    - (1) 1 lb. bread per diem with water ;
    - (2) Diet B ;for alternate and equal periods of three days.
  - (c) The duration of time for which this diet may be ordered shall not exceed 15 days for any single term.
  - (d) No task of labour shall be enforced on any one of the days on which bread and water constitute the sole food supplied to the prisoner, who may nevertheless be allowed the option of performing suitable labour in the cell.
  - (e) No prisoner who has been upon this diet shall be again placed upon it for a fresh offence until an interval has elapsed equal to the period passed by the prisoner on this diet.

5. For any offence with which the head constable is competent to deal, he may order a prisoner to be punished by the diet for ill-conducted and idle prisoners for a period not exceeding 24 hours.

6. The diet of any individual prisoner, not being a patient in the infirmary, may be increased or altered, as for instance in the case of an Asiatic prisoner who may be put on Asiatic diet, or in the case of any prisoner persistently wasting his food who may have his diet reduced on the written recommendation of the medical officer.

7. Hospital diets for sick prisoners shall be prescribed by the medical officer.

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(No. 161.) *REGULATION for the Shanghai Municipal Police.*  
*Peking, 12th October, 1906.*

The following Regulation made by His Majesty's Minister, and declared to be urgent, is published for general information.

J. N. JORDAN.

*His Britannic Majesty's Minister.*

*Peking, October 12, 1906.*

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KING'S REGULATION made under Article 155\* of "The China and Corea Order in Council, 1904." Peace, Order, and Good Government of His Majesty's Subjects serving in the Shanghai Municipal Police.

[No. 1 of 1906.]

WHEREAS certain British subjects are now and may hereafter be serving in the Shanghai Municipal Police under contract with the

\* See page 884 (No. 156).

## [Quarantine at Newchwang.]

Shanghai Municipal Council, and it is expedient that provision be made for the order and good government of such British subjects who are not at the present time subject to discipline ;

And whereas, in consequence of a large number of Sikhs serving in the said Municipal Police having recently refused duty, it is urgently needed to make provision in the premises.

The following King's Regulation is made and declared to be urgent :—

1. Any person who disobeys the lawful command of his superior officer ; or

2. Any person who deserts or attempts to desert the service of the Shanghai Municipal Police ; or

3. Any person who by any means whatsoever procures or persuades any person serving in the Shanghai Municipal Police to desert, shall be guilty of a breach of this Regulation, and shall be liable to punishment as for a breach of a King's Regulation.

4. This Regulation may be cited as “The Shanghai Municipal Police Regulation, 1906.”

J. N. JORDAN.

*His Britannic Majesty's Minister.*

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(No. 162.) *REGULATIONS respecting Quarantine at Newchwang.*  
*Peking, 15th October, 1906.*

*Notice.*

The following Regulations made by His Majesty's Minister, and hereby declared to be urgent, are published for general information.

J. N. JORDAN.

*His Britannic Majesty's Minister.*

*Peking, October 15, 1906.*

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KING'S REGULATIONS under Article 155\* of “The China and Corea Order in Council, 1904.”

[No. 2 of 1906.]

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*Quarantine at Newchwang.*

1. WHEN any infectious disease is known to be prevalent at any port, from which vessels may be expected to arrive at Newchwang, the Administration† will, with the concurrence of the Treaty Power Consuls, issue a Proclamation declaring such place infected, and shall put in force the following Regulations :—

2. Any vessel coming from an infected port either direct or *via* Chefoo, even if ten days or more have passed since leaving an in-

\* See page 884 (No. 156).

† “Administration” altered to “Superintendent of Customs” by Regulation of 12th March, 1907 (No. 170).



## [Quarantine at Newchwang.]

fectured port, shall, on entering the river, hoist the quarantine flag, Q, at the fore, and the flag of the infected port from which she comes underneath the Q.

3. Such vessel shall hold no communication with the shore, *i.e.*, from the time of her entering the river no passengers or member of the crew shall be allowed to leave the vessel, no person may go on board her, and no baggage or cargo may be removed, without the permission of the quarantine authorities. Any one wishing to hold communication with such vessel under necessity, or supply the vessel with food or water, must first report the matter to the quarantine authorities and act by their directions.

4. Any vessel from an infected port with a case of illness on board or on which serious illness or a death has occurred during the voyage shall come to an anchor below Hunter's Point on the right bank of the river and the west end of the town on the left bank.

5. Vessels from an infected port on which there is no case of illness and on which no serious illness or death has occurred during the voyage shall anchor below the lower limits of the harbour, and await there the visit of the quarantine officers.

6. The quarantine authorities shall board the vessel on her arrival without unnecessary delay and shall inspect her passengers and crew. Such inspection can only take place during daylight.

7. If, as a result of inspection, the quarantine officers find no case or suspicious case of infection on board, the vessel shall be admitted to immediate pratique.

8. Should there be a suspicious case or should the vessel be found an infected vessel, her treatment shall be as follows :—

(a) Should there be a suspicious case, the suspected persons shall be removed and isolated under the direction of the quarantine authorities in a hospital provided for the purpose, and the vessel concerned shall be placed in quarantine in the river below the west end of the town until the nature of the disease is determined, when the vessel shall either be admitted to pratique or pronounced infected according to circumstances.

(b) Should the vessel be infected, measures shall be taken for the removal and isolation of infected persons, the removal of infected bodies, and the disinfection of the vessel and quarantine shall be imposed for a period not exceeding ten days from the date of the removal of the last infected case, or from the time of the disinfection of the vessel.

9. Masters of incoming vessels from infected ports shall make a declaration to the quarantine officers as to the health of the vessel during the voyage, and should it appear from the master's declaration that there was a case or suspicious case of infection during the voyage, quarantine shall be imposed for a period not exceeding ten days from the date of the removal of the last infected case from the vessel.

## [Quarantine at Newchwang.]

10. The quarantine officers' report shall be made out in triplicate in every case, and, if the vessel be foreign, one copy shall be supplied by the quarantine officers, at the first opportunity, to the Consul of the vessel concerned. If the vessel be Chinese, the quarantine officers' report shall be sent to the Commissioner of Customs.

11. The importation of furs, skins, hair, old gunny bags, rags, old paper, fresh fruit, vegetables, plants, coffins containing corpses, earth, mould, or sand from infected ports and ports from which the declaration of infection has been withdrawn shall be governed by the following Regulations:—

*I.—Importation from Ports declared infected, permitted under the following Condition.*

(a) Furs, skins, hair.—If accompanied by a certificate of disinfection, giving marks for identification, from the medical officer of the port of shipment.

(b) Rags, old paper.—Importation not permitted.

(c) Fresh fruit.—If accompanied by a certificate or bill of health from the medical officer of the port showing that no cholera is present in the district, apples, bananas, citrons, grapes, lemons, lichees, loquats, mangosteens, mangoes, olives, oranges, peaches, pears, pineapples, pomegranates, pumeloes, and sugar-cane, if in sound condition and cleanly packed as cargo. (Apricots, cherries, figs, melons, plums, raspberries, strawberries, tomatoes, and thin-skinned fruit are prohibited.)

(d) Vegetables.—Tubers, roots, bulbs, and bamboo shoots, if cleanly packed as cargo. (Celery, lettuce, endive, and other leaf-vegetables are prohibited.)

(e) Plants of any kind to which earth or vegetable mould adheres.—Importation not permitted.

(f) Coffins containing corpses.—Importation not permitted.

(g) Earth and mould.—Importation not permitted.

(h) Sand.—If accompanied by a certificate from the medical officer of the port that it has been taken from the seashore.

*II.—Importation from Ports from which the Declaration of Infection has been withdrawn permitted under the following conditions.*

(a) Rags, old paper.—If accompanied by a certificate of disinfection from the medical officer of the port of shipment.

(b) Coffins containing corpses.—If accompanied by a certificate from the medical officer of the port that the coffin is in sound condition, and that death occurred at least six months before, importation permitted during April, May, October, and November.

(c) Earth and mould.—If adherent to plants or bulbs in small quantities and cleanly packed, permitted importation when accompanied by certificate from the medical officer of the port that the earth and mould is from a plague-free district.

III.—*Articles considered Dangerous.*

Old gunny bags are considered dangerous articles, whether coming from a port declared infected or from a port from which such declaration has been removed.

These, unless accompanied by a certificate of disinfection, giving marks for identification, from the medical officer of the port of shipment, or have been so cleaned that on examination here they show no trace of their former food contents, are liable to be refused entry.

The restrictions on importation from ports from which the declaration of infection has been removed may be terminated at the discretion of the quarantine authorities.

12. Any person who commits a breach of these Regulations shall be dealt with by the authority to whose jurisdiction he is amenable.

13. All expenses connected with quarantine will be borne by the Administration.\*

J. N. JORDAN.

*His Britannic Majesty's Minister.*

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(No. 163.) *REGULATION amending the Hankow Land Regulations Amendment Regulations, 1905. Peking, 18th December, 1906.*

*Notice.*

The following Regulation made by His Majesty's Minister, and hereby declared to be urgent, is published for general information.

J. N. JORDAN.

*Peking, December 18, 1906.*

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KING'S REGULATION made under Articles 155 to 159† of the "China and Corea Order in Council, 1904"

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[No. 3 of 1906.]

*Amendment to the Hankow British Concession Land Regulations Amendment Regulations of 1905.*

1. THE amendment to the Regulations of the British Concession at Hankow, made by the "Hankow Land Regulations Amendment Regulations, 1905" (No. 158) shall be amended as follows:—

In paragraph 3, after the words "at such meeting" shall be inserted the words "or if none of such applications have been granted," and after the words "decide to which" shall be inserted the words "if any."

2. This Regulation may be cited as the "Hankow Land Regulations Amendment Regulation, 1906."

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\* "Administration" altered to "Superintendent of Customs" by Regulation of 12th March, 1907 (No. 170).

† See pages 884 and 885 (No. 156).

## [Kiukiang. Bund Frontage Licences.]

(No. 164.) *REGULATIONS amending the Kiukiang British Concession Land Regulations of 1902. Peking, 18th December, 1906.*

*Notice.*

The following Regulations made by His Majesty's Minister, and hereby declared to be urgent, are published for general information.

J. N. JORDAN.

*Peking, December 18, 1906.*

KING'S REGULATIONS made under Articles 155 to 159\* of the "China and Corea Order in Council, 1904."

[No. 4 of 1906.]

*Amendment to the Kiukiang British Concession Municipal Regulations of 1902.*

1. THE Regulations for the Municipal Government of the British Concession at Kiukiang (No. 151), which were approved by His Majesty the King on the 20th September, 1902, shall be amended by the addition thereto, after Article 4, of the following Article :—

## ARTICLE 4A.

*Bund Frontage Licences.*

(1) It shall be competent for such meeting as aforesaid, or the majority thereof, subject to the conditions hereinafter contained, to issue licences for the use of the Bund, or a portion thereof, for the mooring in front thereof of hulks and pontoons, or either of them, for the accommodation of steamers or other vessels trading to the port, and for the landing of cargo and passengers therefrom, and the shipping of cargo and passengers thereon (hereinafter referred to as Bund Frontage Licences).

(2) The issue of a Bund Frontage Licence, and the terms thereof, shall be subject to the approval of His Britannic Majesty's Consul, and no such licence shall be valid unless it is countersigned by him.

(3) When applications have been made to a meeting of electors for Bund Frontage Licences in excess of the number granted at such meeting, or if none of such applications have been granted, any applicant whose application has not been granted may, within ten days, appeal to His Britannic Majesty's Consul, who shall hear any representations which may be made to him by any of the applicants concerned, or by the Municipal Council, and shall decide to which, if any, of such applicants the licence shall be granted, and it shall be granted to such applicant accordingly.

(4) These Regulations may be cited as the "Kiukiang Municipal Regulations, 1902, Amendment Regulations, 1906."

\* See pages 884 and 885 (No. 156).

(No. 165.) *REGULATIONS amending the Chinkiang British Concession Land Regulations of 1894. Peking, 18th December, 1906.*

*Notice.*

The following Regulations made by His Majesty's Minister, and hereby declared to be urgent, are published for general information.

J. N. JORDAN.

*Peking, December 18, 1906.*

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KING'S REGULATIONS made under Articles 155 to 159\* of the "China and Corea Order in Council, 1904."

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[No. 5 of 1906.]

*Amendment to the Chinkiang British Concession Land Regulations of 1894.*

1. THE Land Regulations of the British Concession at Chinkiang (No. 137), which were approved by Her late Majesty Queen Victoria on the 11th September, 1894, shall be amended by the addition thereto, after Article 2, of the following Article :—

ARTICLE 2A.

*Bund Frontage Licences.*

(1) It shall be competent for such meeting as aforesaid, or the majority thereof, subject to the conditions hereinafter contained, to issue licences for the use of the Bund, or a portion thereof, for the mooring in front thereof of hulks and pontoons, or either of them, for the accommodation of steamers or other vessels trading to the port, and for the landing of cargo and passengers therefrom, and the shipping of cargo and passengers thereon (hereinafter referred to as Bund Frontage Licences).

(2) The issue of a Bund Frontage Licence and the terms thereof shall be subject to the approval of His Britannic Majesty's Consul, and no such licence shall be valid unless it is countersigned by him.

(3) When applications have been made to a meeting of electors for Bund Frontage Licences in excess of the number granted at such meeting, or if none of such applications have been granted, any applicant whose application has not been granted, may, within ten days, appeal to His Britannic Majesty's Consul, who shall hear any representations which may be made to him by any of the applicants concerned, or by the Municipal Council, and shall decide to which, if any, of such applicants the licence shall be granted, and it shall be granted to such applicant accordingly.

(4) These Regulations may be cited as the "Chinkiang British Concession Land Regulations Amendment Regulations, 1906."

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\* See pages 884 and 885 (No. 156).

## [Consular and Marriage Fees.]

(No. 166.) *ORDER IN COUNCIL establishing a Table of Consular and Marriage Fees for China and Corea. London, 21st December, 1906.\**

At the Court at Buckingham Palace, the 21st day of December, 1906.

PRESENT: THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by the Consular Salaries and Fees Act, 1891,† His Majesty the King is authorized by Order in Council to fix the fees to be taken in respect of any matter or thing done by a Consular Officer in the execution of his office, and to vary such fees by way of increase or decrease, and to abolish fees and to create new fees;

And whereas by the Foreign Marriage Act, 1892,‡ and by the Foreign Marriages Order in Council, 1892,§ made in pursuance of that Act, it is provided that certain things may or shall be done on payment of the proper fee, and that Act further provides that the proper fee shall be such fee as may for the time being be fixed under the first recited Act, and that the fee so fixed, as respects a Consul, shall be the fee which shall be taken by any marriage officer;

And whereas it is expedient that the Table of fees fixed by the China and Corea (Consular and Marriage Fees) Order in Council, 1904,|| should, in certain respects, be amended, and that the whole of the fees to be taken by Consular officers and marriage officers in China and Corea should be fixed by an Order in Council made under the provisions of the Consular Salaries and Fees Act, 1891;

Now, therefore, in pursuance of the before-mentioned Acts, His Majesty is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, as follows:—

1. This Order may be cited as “The China and Corea (Consular and Marriage Fees) Order in Council, 1906.”

2. The several fees set forth in the Tables annexed to this Order are hereby established, and the said Tables and notes thereto shall be construed as part of this Order.

3. The fees to be paid and taken in respect of matters arising under the China and Corea (Shipping Registry) Order in Council, 1904 (No. 153), shall be the fees contained in the Tables annexed to this Order numbered 1 to 9H respectively.

4. This Order shall come into operation on the 1st day of March, 1907, or at such later date as, in the case of any particular Consular jurisdiction or part thereof, one of His Majesty's Principal Secre-

\* “London Gazette,” 28th December, 1906. Laid before both Houses of Parliament, in pursuance of the Foreign Jurisdiction Act, 1890 (Section 11, page 705), 12th February, 1907.

† “Hertslet's Commercial Treaties.” Vol. 19. Page 352.

‡ “Hertslet's Commercial Treaties.” Vol. 19. Page 406.

§ “Hertslet's Commercial Treaties.” Vol. 19. Page 428.

|| “Hertslet's Commercial Treaties.” Vol. 24. Page 237.

## [Consular and Marriage Fees.]

taries of State, by any general or particular instructions, may from time to time direct.

5. On and after the day when this Order comes into operation in any place to which this Order applies, the China and Corea (Consular and Marriage Fees) Order in Council, 1904, and Article 17 (2) and the Second Schedule of the China and Corea (Shipping Registry) Order in Council, 1904, shall be repealed as to that place without prejudice to any right or liability existing at the commencement of this Order in that place.

6. In this Order the expression "Consular jurisdiction" means the district, place, or places for which a Consular officer acts.

7. This Order shall extend to all places in China and Corea.

And the Right Honourable Sir Edward Grey, Baronet, one of His Majesty's Principal Secretaries of State, is to give the necessary directions herein.

A. W. FITZROY.

## SCHEDULE.

## TABLES OF CONSULAR AND MARRIAGE FEES.

To be taken in China and Corea, in pursuance of the Consular Salaries and Fees Act, 1891, the Foreign Marriage Act, 1892, the Foreign Marriages Order in Council, 1892, the China and Corea (Shipping Registry) Order in Council, 1904, and the China and Corea (Consular and Marriage Fees) Order in Council, 1906.

## PART I.

*Fees to be taken in respect of Matters in which the Interposition of a Consular Officer is required by Law.*

## MATTER IN RESPECT OF WHICH THE FEE IS TO BE TAKEN.

*Merchant Shipping.*

	£	s.	d.
1. For every declaration taken or recorded under the Merchant Shipping Act, with a view to the registry, transfer, and transmission of ships, interests in ships, or mortgages on ships ....	0	5	0
2. For indorsing a memorandum of change of master upon the certificate of registry, and initialling his signature on agreement with crew, if required ....	0	4	0
3. For granting a provisional certificate of registry (this fee to be exclusive of fees on declarations) ....	1	0	0
4. For recording a mortgage of a ship, or shares in a ship ....	1	0	0
5. For recording the transfer of a mortgage of a ship, or shares in a ship ....	1	0	0
6. For recording the discharge of a mortgage of a ship, or shares in a ship ....	1	0	0
7. For every sale of a ship, or shares in a ship, made before a Consular officer ....	1	0	0
8. For inspection of the register book of transactions in ships, kept in pursuance of the Merchant Shipping Act....	0	1	0
9. For certified copy of extract from register book of transactions in ships ....	0	2	6
9A. Certificate of registry ....	1	10	0
9B. Certificate of sale or mortgage ....	0	4	0
9C. Indorsing ownership on certificate of registry ....	0	4	0

## [Consular and Marriage Fees.]

	£	s.	d.
9d. Transfer of registry to another port	0	4	0
9e. Pass for ship	0	10	0
9f. Alteration in register of name, rig, or tonnage	0	4	0
9g. For measurement of tonnage as under :—			
For ships of 15 tons, and under 500 tons, gross tonnage	1	10	0
" 500                      " 1,000                      "	2	5	0
" 1,000                      " 2,000                      "	2	14	0
" 2,000                      " 3,000                      "	3	3	0
" 3,000                      " 4,000                      "	3	12	0
" 4,000                      " 5,000                      "	4	0	0
" 5,000                      " and upwards                      "	4	10	0
9h. For the inspection of the berthing or sleeping accommodation of the crew :—			
For each visit to the ship	0	10	0
Provided as follows :—			
(a) The aggregate amount of the fees for any such inspection shall not exceed £1 whatever be the number of separate visits.			
(b) When the accommodation is inspected at the same time with the measurement of the tonnage, no separate fee shall be charged for the inspection.			
For the inspection of light and fog signals :—			
For each visit made to the ship on the application of the owner, and for each visit made where the lights or fittings are found defective	0	10	0
Provided that the aggregate amount of fees for any such inspection shall not exceed £1 whatever be the number of separate visits.			
For the inspection of the marking of a ship :—			
For each visit made to the ship on the application of the owner, and for each visit made where the provisions of the Merchant Shipping Act with respect thereto have not been complied with	0	5	0
Provided as follows :—			
(a) The aggregate amount of the fees for any such inspection shall not exceed 10s. whatever be the number of separate visits.			
(b) When the marking of a ship is inspected at the same time with the inspection of light and fog signals, no separate fee shall be charged for the inspection.			
[N.B.—Fees 1 to 9h are to be taken under the provisions of the China and Corea (Shipping Registry) Order in Council, 1904.]			
10. For every seaman engaged before a Consular officer	0	2	0
11. For every alteration in agreements with seamen made before a Consular officer	0	2	0
12. For every seaman discharged or left behind with the sanction of the Consular officer	0	2	0
13. For every desertion certified by a Consular officer	0	2	0
14. For indorsing a ship's agreement with respect to the death of any person on board	0	2	0
15. For attesting the execution of a seaman's will (see No. 102)	0	2	0
16. For certification of form of claim for wages, &c., of a deceased seaman	0	1	0
17. For examination of provisions or water, to be paid by the party who proves to be in default, in addition to costs of survey	0	10	0
18. For every salvage bond made in pursuance of Section 560 (1) of the Merchant Shipping Act, 1894, to be paid by the master or owner of the property salvaged	2	0	0
19. For making indorsement on ship's papers, as required by Section 257 of the Merchant Shipping Act, 1894	0	2	6
(To include the fee for inspection of ship's papers. See No. 46.)			
[N.B.—A payment of £5 shall free the ship from the payment of Fees Nos. 19 and 40 at every port in China during the following three months.]			



## [Consular and Marriage Fees.]

*Marriage Fees to be taken by Marriage Officers acting under the Foreign Marriage Act, 1892, and the Foreign Marriages Order in Council, 1892.*

	£	s.	d.
20. For receiving notice of an intended marriage ....	0	10	0
21. For receiving notice of a caveat ....	1	0	0
22. For every marriage solemnized by or in the presence of a Marriage officer, and registered by him ....	0	10	0
23. For certificate by Marriage officer of notice having been given and posted up (Article 6 of the Foreign Marriages Order in Council, 1892) ....	0	5	0
24. For registration by Consular officer of a marriage solemnized in accordance with the local law, in addition to the fee for attendance (Fee 92) (see Article 8 of the Foreign Marriages Order in Council, 1892) ....	0	10	0

## PART II.

*Fees to be taken in respect of Matters in which the Interposition of a Consular Officer is to be given when required by the Parties interested.*

## MATTER IN RESPECT OF WHICH THE FEE IS TO BE TAKEN.

	£	s.	d.
25. For noting a marine protest and furnishing one certified copy if required ....	0	7	6
26. For every other copy ....	0	2	6
27. For filing a request for survey and issuing order of survey ....	0	10	0
28. For receiving report of survey, filing original in archives, if not exceeding 200 words, and furnishing, if required, one certified copy of request, order, and report of survey ....	1	0	0
29. For extending marine protest, if not exceeding 200 words, filing original, and furnishing one certified copy if required. This is to be exclusive of fee for oaths or declarations (see No. 51), or for drawing, if required, the body of the protest (see No. 96) ....	1	0	0
30. For any other protest (except bill of exchange (see No. 50) ), if not exceeding 200 words, filing original, and furnishing one certified copy if required. This to be exclusive of fee for drawing, if required, the body of the protest (see No. 96) ....	1	0	0
31. If the protest or report of survey exceeds 200 words, for every additional 100 words or fraction thereof ....	0	2	6
32. For attesting average, bottomry, or arbitration bond, each copy (see No. 95) ....	0	5	0
33. For preparing a fresh agreement with the crew of a British vessel on new Articles of Agreement being opened at a foreign port, and for furnishing the copy which the Merchant Shipping Act requires should be made accessible to the crew ....	0	10	0
34. Bill of health ....	0	10	0
35. Certifying to a foreign bill of health ....	0	10	0
36. Certificate of origin of goods and filing copy ....	0	5	0
37. Certificate of due landing of goods exported from a British port ....	0	5	0
38. For application addressed to local authorities for arrest or imprisonment of a seaman, if granted pursuant to the request of the master ....	0	5	0
39. Ditto, for release of a seaman ....	0	5	0
40. For each certificate granted as to the number of the crew of a vessel, or as to any other matter required by local authorities for the clearance inwards and outwards of a vessel (see Nos. 19 and 41)....	0	5	0

[N.B.—A payment of £5 shall free the ship from the payment of Fees Nos. 19 and 40 at every port in China during the following three months.]

41. For drawing up, in form and language required by local authorities, a muster-roll, or detailed list, giving the names, &c., of each member of the crew of a vessel (to be charged in addition to No. 40) ....	0	2	6
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## [Consular and Marriage Fees.]

	£	s.	d.
42. For affixing Consular signature, and seal if required, to a ship's manifest .....	0	10	0
43. For affixing Consular seal or signature to any entry in the official log-book of a British vessel, if not required by the Merchant Shipping Act .....	0	5	0
44. For attesting the execution of a bill of sale of a ship, or shares in a ship .....	0	5	0
45. For any document required from a Consular officer by foreign authorities as a preliminary to the engagement of a British seaman in a foreign vessel, including official seal and signature....	0	1	0
46. For inspecting ship's papers when their production is required to enable a Consular officer to perform any specific service on the ship's behalf .....	0	2	6
[N.B.—This Fee is not to be charged when Fee No. 19 is leviable or commuted, nor in addition to Fee 19, unless the agreement has been withdrawn from the Consular Office in the interval.]			
47. For granting any certificate not otherwise provided for, if not exceeding 100 words .....	0	5	0
48. If exceeding 100 words, for every additional 100 words, or fraction thereof .....	0	5	0
49. For noting a bill of exchange .....	0	5	0
50. For protest of a bill of exchange and copy .....	1	0	0
51. For administering an oath, or receiving a declaration or affirmation without attestation of signature .....	0	2	6
52. For administering an oath, or receiving a declaration or affirmation with attestation of signature .....	0	5	0
53. For each Consular signature attached to an exhibit referred to in an affidavit or declaration .....	0	2	6
54. For each alteration or interlineation initialled by a Consular officer in any document not prepared by him .....	0	0	6
55. For each signature to a transfer of shares or stock attested by a Consular officer .....	0	2	0
56. For each signature to a transfer of shares or stock attested by a Consular officer when executed in the presence of one or more witnesses besides the Consular officer .....	0	5	0
57. For each execution of a power of attorney attested by a Consular officer (see No. 104) .....	0	5	0
[N.B.—When more than four persons execute a power at the same time, a fee of £1 only is to be charged.]			
58. For attesting the execution of a will of any person not being a British seaman (see Nos. 15 and 102) .....	0	10	0
59. For each execution of a deed, bond, or conveyance under seal, attested by a Consular officer, where the value of the property in question does not exceed £1 .....	0	1	0
Ditto, ditto, £5 .....	0	2	6
Ditto; exceeds £5 .....	0	7	6
[N.B.—When more than four persons execute an instrument at the same time, the fee must not be more than four times 1s., 2s. 6d., or 7s. 6d., as the case may be.]			
60. For each signature to an application for a patent attested by a Consular officer .....	0	5	0
61. For attaching Consular signature, and seal if required, to quarterly or monthly declarations for Government pay, half-pay, or pension .....	0	1	0
62. For attaching Consular signature to any other declaration of existence .....	0	2	6
63. Ditto, if drawn up by a Consular officer .....	0	5	0
64. For certificate of a person's identity .....	0	5	0
65. For attesting the signature of a foreign authority .....	0	5	0
66. For each signature attested by a Consular officer in any document not otherwise provided for .....	0	5	0
[N.B.—No fee is to be charged for attesting a signature to any document required for the deposit or withdrawal of money in or from the Post Office Savings Bank, or in connection with Savings Bank annuities.]			

## [Consular and Marriage Fees.]

	£	s.	d.
67. For registration of a birth or death (except the death of a seaman)....	0	2	6
68. For any registration not otherwise provided for .....	0	2	6
69. For issue of certificate of British registration when such registration is not compulsory under Order in Council....	0	2	6
70. For each search in the register books of births, marriages, or deaths kept at the Consulate, provided no other fee is chargeable .....	0	1	0
71. For furnishing a certified copy of an entry in register books of births, marriages, or deaths (see No. 70) .....	0	2	6
72. For certifying to a copy of any document, or part of a document, if not exceeding 100 words .....	0	5	0
73. If exceeding 100 words, for every additional 100 words, or fraction thereof .....	0	1	0
[N.B.—An additional fee is to be charged when the copy is made by the Consular officer (see No. 99).]			
74. Passport .....	0	5	0
75. Visa of a passport .....	0	2	0
76. For issue of certificate of nationality....	0	2	6
77. Consular request to local authorities for a passport, pass, or visa ....	0	2	0
77A. For transit pass .....	0	3	0
78. Opening the will of a British subject, not being a seaman, including Consular signature to minute of proceedings .....	1	0	0
79. For the administration and distribution, or for either administration or distribution, of the property, situate in the country of the Consular officer's residence, of a British subject, not being a seaman, dying intestate, or if not intestate, when undertaken in the absence of legally competent representatives of the deceased .....	2½	per cent.	on gross value.
80. For uniting documents and attaching Consular seal to the fastening .....	0	2	6
81. For directing search for, or obtaining from Public Record Office or elsewhere, extracts from local registers, or copies of wills, deeds, or other matters, in addition to expenses incurred and any fees for attestation .....	0	5	0
82. For affixing Consular signature, and seal if required, to any document not otherwise provided for by this table .....	0	5	0
[N.B.—No charge is to be made for an order or letter sending a seaman to hospital.]			
83. For each Consular seal affixed to a document, packet, or article, when no signature is required .....	0	2	6
83A. For new title-deeds of land, including registration, ½ per cent. on value of the property, with a minimum fee of £1 10s. and a maximum of £10.			
83B. For notifying to authorities loss of owner's copy of title-deed, and requesting issue of copy to replace it .....	1	0	0
83C. For transfer of land, ½ per cent. on value of the property, with a minimum fee of £1 10s. and a maximum of £10.			
83D. For cancelment of title-deeds .....	1	0	0
83E. For registration of title-deeds issued by local authorities .....	1	0	0
83F. For registration or discharge of mortgage .....	1	0	0
83G. For registration of foreclosure of mortgage .....	2	0	0
83H. For any entry, not otherwise provided for, made in land register at the request of the parties interested .....	0	6	0
83I. For reference to land, mortgage, or other registers (except those under Nos. 8 and 70) .....	0	6	0

## PART III.

*Fees to be taken for certain Attendances, in addition to any other Fee chargeable under the present Table, and to Travelling and other Expenses (see Notes 3 and 4).*

ATTENDANCE IN RESPECT OF WHICH THE FEE IS TO BE TAKEN.	£	s.	d.
84. At a shipwreck, or for the purpose of assisting a ship in distress, per day .....	2	0	0
85. At a shipwreck, at request of parties interested, to assist or advise as to salvage, per day .....	3	0	0

## [Consular and Marriage Fees.]

	£	s.	d.
86. At request of parties interested, or of local authorities, at the affixing or removing of seals on property of deceased persons, if absent less than two hours ....	1	0	0
87. Ditto, ditto, for each additional hour, or fraction thereof, 10s., with a maximum per day of ....	4	0	0
88. At request of parties interested, or of local authorities, at a valuation, if absent less than two hours ....	1	0	0
89. Ditto, ditto, for each additional hour, or fraction thereof, 10s., with a maximum per day of ....	4	0	0
90. At request of parties interested, or of local authorities, at a sale, if absent less than two hours ....	2	0	0
91. Ditto, ditto, for each additional hour, or fraction thereof, 10s., with a maximum per day of ....	4	0	0
92. At request of parties interested, or of local authorities, for the transaction elsewhere than at the Consular Office of any of the duties for which a fee is provided in the Table of Consular Fees, for each hour, or fraction thereof, 10s., with a maximum per day of ....	4	0	0
92A. At request of parties interested, or of local authorities, at a measurement of land, for each hour, or fraction thereof, 10s., with a minimum of ....	1	0	0
93. At the request of parties interested for the transaction of any duty for which a fee is leviable under this Order, whether at the Consular Office or at the Consular officer's residence, in addition to such fee, for each half-hour, or fraction thereof, if in the day-time, that is to say, between the hours of 6 A.M. and 9 P.M., but not during the customary business hours of the place ....	0	5	0
[N.B.—This fee is leviable for any attendance on Sundays.]			

## PART IV.

*Fees to be taken in respect of certain other Services which may be rendered by a Consular Officer, at his discretion, at the request of Parties interested.*

## SERVICE IN RESPECT OF WHICH THE FEE IS TO BE TAKEN.

	£	s.	d.
94. For the transaction of any duty for which a fee is leviable under this Order, whether at the Consular Office or at the Consular officer's residence, in addition to such fee, for each half-hour, or fraction thereof, if in the night-time, that is to say, between the hours of 9 P.M. and 6 A.M. ....	0	10	0
95. For preparing average, bottomry, or arbitration bond (see No. 32)....	1	0	0
96. For drawing a declaration or other document, or the body of a protest, or for taking down in writing verbal declarations or depositions of persons made before a Consular officer, or for reducing into writing agreements made before him by contracting parties, exclusive of fees for attestation, &c. (see Part II), if not exceeding 100 words ....	0	5	0
97. If exceeding that number, for each subsequent 100 words, or fraction thereof ....	0	2	6
98. For assisting in drawing up petitions, applications, or other documents not specified, each ....	0	5	0
99. For making a copy of a document, if not exceeding 100 words, exclusive of fee for certificate (see No. 72) ....	0	1	6
100. If exceeding that number, for every subsequent 100 words, or fraction thereof ....	0	1	0
[N.B.—If the copy is in any foreign language, double the above fees (99 and 100) are to be charged.]			
101. For making or verifying a translation of a document in any European language, for every 100 words, or fraction thereof, exclusive of fee for certificate (see No. 47) ....	0	5	0
101A. For making or verifying a translation of a document in the Chinese, Korean, or other Oriental language, for first 100 characters ....	2	10	0

## [Consular and Marriage Fees.]

	£	s.	d.
101B. For making or verifying a translation of a document in the Chinese, Korean, or other Oriental language, for every subsequent 100 characters or fraction thereof	0	15	0
102. For drawing a will, if not exceeding 200 words (see Nos. 15 and 58)	1	0	0
103. If exceeding that number, for every subsequent 100 words, or fraction thereof	0	5	0
104. For drawing a power of attorney, if not exceeding 200 words (see No. 57)	0	10	0
105. If exceeding that number, for every subsequent 100 words, or fraction thereof	0	5	0
106. In cases where one or more attesting witnesses, besides a Consular officer, are required, for each witness supplied by him at the request of the parties interested	0	2	6
107. Attendance elsewhere than at Consular Office, at the request, and on behalf of private persons, for the transaction of business which a Consular officer is permitted, but is not bound, to undertake under the Consular Regulations, for each hour, or fraction thereof, 10s., with a maximum per day of (see Notes 3 and 4 and Form A)	4	0	0
108. In cases where a Consular officer acts as Arbitrator, provided the parties interested declare in writing in the reference to arbitration that they are aware of the nature and rate of the fee chargeable for such service, and agree to pay the same, a commission on the value of the property or amount in dispute of 2½ per cent., with a minimum of	2	0	0
[N.B.—The value of the property or amount in dispute must be ascertained and agreed by the parties to the arbitration, and stated in the reference to arbitration.]			

## NOTES.

1. If a Consular officer should be named Commissioner to examine witnesses under a Commission issued by a British Court of Justice, he is allowed to act as such, charging and retaining the customary fees for so doing. A Consular officer should, however, before undertaking the office, come to an arrangement with the parties at whose instance the Commission is being issued as to the exact scale of fees to be charged.

2. No fee is to be charged for drafting or receiving depositions, &c., taken *ex officio* under the Merchant Shipping Act, except in cases specially provided for.

3. In cases of attendances (Parts III and IV), the fee per day is to cover a period not exceeding twelve hours.

4. In cases of attendances away from the Consular Office or the Consular officer's residence (Parts III and IV), if the Consular officer finds it necessary to be accompanied by a clerk the fee will be increased by one-half, or if a clerk only is sent, half the fees are to be charged.

5. The above fees, if not paid in British gold, are to be paid in China in Mexican dollars at the rate of exchange fixed periodically by the Treasury; in Corea, in Japanese currency at the rate of 10 yen to the £ sterling.

## FORM (A).

This is to certify that in consideration of having undertaken, at my request and on my behalf, to transact certain business which a Consular officer is permitted, but is not bound, to undertake under the Consular Regulations, I have agreed to pay him, on behalf of His Majesty's Government, therefor the fee in such case provided by the China and Corea (Consular and Marriage Fees) Order in Council, 1906, Section 107 of Table (viz., for each hour, or fraction thereof, of attendance, 10s. with a maximum per day of £4), in addition to any other fee properly chargeable under that Order in Council, and to travelling and other expenses.

Dated at \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_.

(No. 167.) *REGULATIONS respecting Veto by His Majesty's Consuls on Action of British Municipal Councils in China. Peking, 2nd January, 1907.*

*Notice.*

The following Regulations, made by me and allowed by His Majesty the King, are published for general information.

J. N. JORDAN.

*His Majesty's Minister.*

*Peking, January 2, 1907.*

KING'S REGULATIONS under Article 155\* of "The China and Corea Order in Council, 1904."

[No. 1 of 1907.]

*Veto by His Majesty's Consuls on action of British Municipal Councils in China.*

1.—(i) When, in the opinion of the Consul, any action by the Municipal Council is liable to impair the friendly relations subsisting between His Majesty's Government or British subjects on the one hand, and the Chinese Government or local authorities or Chinese subjects on the other, he may by writing under his hand :

(a) Call upon the Municipal Council for an explanation of their action.

(b) Veto any such action on the part of the Municipal Council, either at once, or after such explanation has been furnished to him.

The Municipal Council shall on such demand forthwith furnish to the Consul the required explanation, and, upon communication to them of the veto on their action, forthwith discontinue such action.

(ii) When the Consul has imposed a veto on any action of the Municipal Council he shall forthwith report the whole matter to the Minister, and the Municipal Council, if aggrieved by the action of the Consul, may appeal to the Minister.

(iii) The Minister may at any time revoke or vary the decision of the Consul, or may take such action in the matter as to him seems desirable.

Pending the decision of the Minister, the Municipal Council shall be bound by the veto imposed by the Consul.

2. The Municipal Council shall allow the Consul to inspect any documents they may have in their possession, and shall furnish him with copies of such documents as he may specify.

3. This Regulation shall apply to all British Municipal Councils established in China.

4. These Regulations may be cited as "The Veto by His Majesty's Consuls' Regulations, 1907."

J. N. JORDAN.

Allowed : E. GREY.

\* See page 884 (No. 156).  
1095

(No. 168.) *REGULATION amending the Tientsin British Concession Local Land Regulations of 1866. Peking, 11th February, 1907.*

*Notice.*

The following Regulation made by His Majesty's Minister, and hereby declared to be urgent, is published for general information.

J. N. JORDAN.

*Peking, February 11, 1907.*

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KING'S REGULATION made under Articles 155 to 159\* of "The China and Corea Order in Council, 1904."

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[No. 2 of 1907.]

*Amendment of the Tientsin British Concession Local Land Regulations.*

1. The Local Land Regulations of the British Concession at Tientsin, which were duly made on the 26th November, 1866 (No. 125), by Sir Rutherford Alcock, then Her Majesty Queen Victoria's Minister in China, and amended by the addition of Regulation 7A, on the 22nd July, 1901 (No. 145), by Sir Ernest Satow, then Her Majesty's Minister in China, shall be further amended by the addition thereto, after Regulation 7A, of the following Regulation :—

*Taku Bar, &c. Wharfage Dues.*

7B. At such annual general meeting, or at any extraordinary general meeting, it shall be competent to the said land-renters, or a majority of them, duly assembled, in order to provide ways and means for the improvement of the Taku Bar and the conservancy and improvement of local waterways, to impose and levy in addition to the rates, taxes, and dues by Regulations 7 and 7A provided for upon all goods and merchandise landed, shipped, or trans-shipped at any place within the limits of the said settlement, wharfage dues not exceeding one-twentieth of 1 per cent. on the value thereof: Provided always that all goods, stores or material so landed, shipped, or trans-shipped being the *bona fide* property of, or intended for the use of, the Chinese Government or any Treaty Power, shall be free of such wharfage dues.

2. This Regulation may be cited as "The Tientsin British Concession Local Land Regulations Amendment Regulation, 1907."

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\* See pages 884 and 885 (No. 156).

(No. 169.) *ORDER IN COUNCIL amending the China and Korea Order in Council of 1904. London, 11th February, 1907.\**

At the Court at Buckingham Palace, the 11th day of February, 1907.

PRESENT : THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by Treaty, grant, usage, sufferance, and other lawful means, His Majesty the King has jurisdiction within the dominions of the Emperor of China and the Emperor of Korea.

Now, therefore, His Majesty, by virtue and in exercise of the powers in this behalf by "The Foreign Jurisdiction Act, 1890" (No. 135), or otherwise in His Majesty vested, is pleased by and with the advice of His Privy Council to order, and it is hereby ordered as follows :—

1. This Order may be cited as "The China and Korea (Amendment) Order in Council, 1907," and shall be read as one with "The China and Korea Order in Council, 1904" (No. 156), hereinafter referred to as the "Principal Order."

2.—(1) Where one or more commissioned Consular officers are stationed in a Consular district assigned to another commissioned Consular officer, the Minister may, if he think fit, appoint such commissioned Consular officer or officers to whom no district is assigned to be an additional Judge or additional Judges of the Provincial Court of the district.

(2) Where an officer is so appointed he shall hear and determine such matters, civil and criminal, being within the jurisdiction of a Provincial Court, as the Consular officer to whom the district is assigned, with the sanction of the Judge of the Supreme Court, directs.

(3) Where an officer is appointed under this Article he may sit at the same time and place as the Consular officer to whom the district is assigned, or in a different place, and each sitting shall be deemed a sitting of the Provincial Court of the district.

3. The following Article shall be substituted for Article 69 of the Principal Order :—

Any act which, if done in the United Kingdom, or in a British Possession, would be an offence against any of the following Statutes of the Imperial Parliament or Orders in Council, that is to say :—

- (a) "The Merchandise Marks Act, 1887" ;
- (b) "The Patents, Designs, and Trade Marks Acts, 1883 to 1902" ;
- (c) "The Trade Marks Act, 1905" ;

\* "London Gazette," 19th February, 1907. Laid before both Houses of Parliament, in pursuance of the Foreign Jurisdiction Act, 1890 (Section 11, page 705), 21st February, 1907.



## [British Jurisdiction.]

(d) "Any Statute amending or substituted for any of the above-mentioned Statutes ;

(e) Any Act, Statute, or Order in Council for the time being relating to copyright, or to inventions, designs, or trade-marks, of which a copy is kept exhibited in the public offices of the Consulates at Shanghai and Seoul, and is there open for inspection by any person at all reasonable times ; shall, if done by a British subject in China or Corea, be punishable as a grave offence against the Principal Order, whether such act is done in relation to any property or right of a British subject, or of a foreigner or native, or otherwise howsoever.

Provided :—

(1) That no person shall be punished under this Order for an act which would be an offence against any Act, Statute, or Order in Council, the exhibition of which is required by paragraph (e) above, unless such exhibition had commenced not less than one month before the act took place, or unless the person offending is proved to have had express notice of such Act, Statute, or Order in Council.

(2) That a prosecution by or on behalf of a prosecutor who is not a British subject shall not be entertained, unless either (a) an arrangement is in force between His Majesty's Government and the Government of the State or Power to which the prosecutor belongs, or (b) the Court is satisfied that effectual provision exists, for the punishment in Consular or other Courts in China or Corea of similar acts committed by the subjects of such State or Power in relation to or affecting the interests of British subjects. Where such an arrangement is in force the Minister may issue a notification to that effect, and the Court shall take judicial notice thereof.

4. No action shall be brought for the protection of any copyright, trade-mark, patent, or design by any person who is not a British subject, unless either (a) an arrangement is in force between His Majesty's Government and the Government of the State or Power to which the plaintiff belongs, or (b) the Court is satisfied that effectual provision exists, for the protection in Consular or other Courts in China or Corea of the rights and interests of British subjects in copyrights, trade-marks, patents, and designs infringed by the subjects of such State or Power.

Where such an arrangement is in force the Minister may issue a notification to that effect, and the Court shall take judicial notice thereof.

5. The following Article shall take effect instead of Article 75 of the Principal Order :—

(1) Every person subject to the criminal jurisdiction of the Court who prints, publishes, or offers for sale any printed or written newspaper or other publication containing seditious matter shall be guilty of a grave offence against the Principal Order, and may, in addition to, or in lieu of, any other punishment, be ordered to give security for good behaviour, and in default thereof, or on a

further conviction for the like offence, he may be ordered to be deported.

(2) Where any printed or written newspaper or other publication containing seditious matter is printed, published, or offered for sale within the limits of the Order by a Company registered in the United Kingdom or in a British possession, the Court may, after notice to the Company, and on proof of the facts, require the Company to give security to abstain from such printing, publishing, or offering for sale in future. If the Company fail to give security, or if the Company is shown to have again printed, published, or offered for sale such newspaper or other publication containing seditious matter after giving such security, the Court may make an order prohibiting the Company from carrying on business within the limits of the Order, and may make such other orders as to the Court may seem just. The Court may also declare all the property of the Company within the limits of the Order to be forfeited to His Majesty the King, and shall dispose of it, subject to any general or special directions of the Secretary of State, as it thinks fit.

(3) Matter calculated to excite tumult or disorder, or to excite enmity between His Majesty's subjects and the Government of China or the Government of Corea, or the authorities or subjects of any Power in amity with His Majesty, being within the limits of this Order, or between the Government of China and its subjects or the Government of Corea and its subjects, shall be deemed to be seditious matter within the meaning of this Article.

(4) Jurisdiction under this Article shall not be exercised except by the Supreme Court.

6. The following Article shall be substituted for Article 84 of the Principal Order :—

Where any person is deported to any place to which he can most conveniently be sent through Hong Kong, and it is necessary to land and trans-ship him at Hong Kong, he shall, on his arrival there, be delivered, with the warrant under which he is deported, into the custody of a Magistrate of Police at Hong Kong, who, on receipt of the person deported and of the warrant, shall detain him, and shall forthwith report the case to the Governor of Hong Kong, who shall, by warrant, cause the person so deported to be detained in custody until a convenient opportunity occurs for sending him to the place to which he has been deported, and shall then send him to that place.

7. Where a case is stated under Article 85 of the Principal Order, the Judge shall have power, save where the case has been stated by himself, to order that it shall be heard and determined in the manner provided by Article 86 by himself alone, instead of by the full Court.

8. The following Article shall be substituted for Article 108 of the Principal Order :—

If any person named executor in a will takes possession of, and

administers or otherwise deals with any part of the property of the deceased, and does not obtain probate within one month after the death or after the termination of any proceedings respecting probate or administration, he shall be liable to pay double the amount of any fees chargeable on obtaining probate, and he shall also be liable to a fine not exceeding 100*l*.

9. Article 112 of the Principal Order shall be amended by the substitution of the sum of 100*l*. for the sum of 50*l*. therein mentioned.

10. Any person desirous of levying a distress for rent may apply to the Court to appoint a bailiff to levy such distress, and the Court may thereupon, and upon the applicant giving sufficient security to answer for any misconduct on the part of such bailiff, appoint a person to act as bailiff to levy such distress.

11. The following Articles shall be substituted for Article 114 of the Principal Order :—

(1) Any party to an action in the Supreme Court, other than an Admiralty action, or to an appeal to the Supreme Court, aggrieved by the decision of that Court or by the verdict of a jury, may move the Supreme Court to rehear such action or appeal.

(2) The motion shall be heard by the full Court unless the Judge of the Supreme Court otherwise orders.

(3) On such motion the Supreme Court may make any order that may be made by the Court of Appeal in England in the exercise of its ordinary appellate jurisdiction.

(4) An application for a rehearing shall be made within the prescribed time.

12. The following provision shall be substituted for Article 151 (1) of the Principal Order :—

(1) Where a foreigner desires to institute or take in the Court an action against a British subject, or a British subject desires to institute or take in the Court an action against a foreigner the Court shall entertain the same, and the action shall be heard and determined either by the Judge sitting alone or, if all parties consent or the Court so directs, with a jury or assessors, but in all other respects according to the ordinary procedure of the Court.

13. The following provision shall be substituted for Article 155 (3) of the Principal Order :—

Any person committing a breach of any such Regulations shall, on conviction, be liable to the punishment, forfeiture, or fine therein prescribed, or if no such punishment or fine is prescribed, he shall be liable, on conviction, to imprisonment, with or without hard labour, for a period not exceeding three months, or to a fine, or to both. Regulations imposing penalties shall be so framed as to allow in every case of part only of the highest penalty being imposed.

14. The following Article shall take effect instead of Article 157 of the Principal Order :—

## [Newchwang Quarantine Regulation.]

King's Regulations and municipal Regulations made or adopted under Articles 155 and 156 of the Principal Order shall not have effect unless and until they are approved by a Secretary of State, save that in case of urgency declared in any such Regulations, the same shall take effect before that approval, and shall continue to have effect unless and until they are disapproved by a Secretary of State, and until notice of that disapproval has been received and published by the Minister.

15. Every Consular officer shall, as far as there is proper opportunity, promote reconciliation and encourage and facilitate the settlement in an amicable way, and without recourse to litigation, of matters in difference between British subjects, or between British subjects and foreigners in China or Corea.

16. "The China, Japan, and Corea (Patents) Order in Council, 1899,"\* "The China and Corea (Supreme Court) Order in Council, 1900,"† and the following Articles of the Principal Order are hereby repealed, viz. : Articles 27, 69, 75, 84, 108, 114, 151 (1), 155 (3), 157 ; but this repeal shall not (a) affect the past operation of such Orders or such Articles, or any right, title, obligation, or liability thereunder, or (b) interfere with the institution or prosecution of any legal proceedings thereunder.

And the Right Honourable Sir Edward Grey, Bart., one of His Majesty's Principal Secretaries of State, is to give the necessary directions herein.

A. W. FITZROY.

(No. 170.) *REGULATION amending the Newchwang Quarantine Regulations of 1906. Peking, 12th March, 1907.*

*Notice.*

The following Regulation made by me, and hereby declared to be urgent, is published for general information.

J. N. JORDAN.

*His Britannic Majesty's Minister.*

*Peking, March 12, 1907.*

KING'S REGULATION under Article 155‡ of "The China and Corea Order in Council, 1904."

[No. 3 of 1907.]

*Amendment of Quarantine Regulations for the Port of Newchwang, 1906.*

1. THE Quarantine Regulations for the Port of Newchwang, 1906 (No. 162) shall be amended as follows :—

\* "Hertslet's Commercial Treaties." Vol. 21. Page 301.

† "Hertslet's Commercial Treaties." Vol. 21. Page 695.

‡ See page 884 (No. 156).

April 10, 1907.]

GREAT BRITAIN.

[No. 171.]

[*Woosung Inner and Outer Bars.*]

In Regulations I and XIII, the words "Superintendent of Customs" shall be substituted for the word "Administration."

2. This Regulation may be cited as "The Quarantine Regulations for the Port of Newchwang Amendment Regulation, 1907."

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(No. 171.) *REGULATIONS respecting the Woosung Inner and Outer Bars.\* Peking, 10th April, 1907.*

*Notice.*

The following Regulations made by His Majesty's Minister, and approved by the Secretary of State, are published for general information.

J. N. JORDAN.

*His Britannic Majesty's Minister.*

*Peking, April 10, 1907.*

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KING'S REGULATIONS under Article 155† of the "China and Corea Order in Council, 1904."

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[No. 4 of 1907.]

*Harbour Notification.*

THE Rules issued by the Harbour-master at Shanghai, and approved by the Commissioner of Chinese Imperial Maritime Customs at Shanghai, set forth in the Schedule to these Regulations, and entitled "Harbour Notification No. 7 of 1906, Woosung Inner and Outer Bars," is hereby made binding upon, and shall be observed by, all British subjects.

2. Any British subject contravening the said Rules shall be liable, on conviction before the Court, to a fine not exceeding 50*l.*, or to imprisonment not exceeding three months, or to both such punishments.

3. These Regulations shall continue in force for such time as the said Rules remain in force, and no longer.

4. These Regulations may be cited as "The Woosung Inner and Outer Bars Regulations, 1907."

J. N. JORDAN.

*His Britannic Majesty's Minister.*

*Peking, April 10, 1907.*

Allowed: E. GREY.

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\* See also No. 197.

† See page 884 (No. 156).

## SCHEDULE.

## SHANGHAI HARBOUR NOTIFICATION.

[No. 7 of 1906.]

## WOOSUNG INNER AND OUTER BARS.

*Rules to be observed by Vessels when navigating the Woosung Inner and Outer Bars and their vicinity.*

ATTENTION is hereby drawn to the following Rules which have been sanctioned by the Consular Body, and approved by the Shanghai General Chamber of Commerce, and which are embodied in the Woosung Harbour Regulations :—

“In order to prevent accidents to shipping when navigating the Woosung Inner and Outer Bars and their immediate vicinity, the following Rules shall be strictly observed :—

“1. A very careful look-out shall be kept on board all vessels approaching either of the Woosung Bars, and vessels having the tide against them shall wait for those going with the tide to pass first; also a vessel overtaking another shall regulate her speed so as to allow the one ahead to get clear of the bar first.

“The look-out enjoined by the above Rule shall begin a mile below the Woosung Outer Bar on board vessels inward bound, and at, or above, the upper end of Gough Island on board vessels outward bound.

“2. Captains and Pilots shall not attempt to cross either of the Woosung Bars when the signals at the Woosung Signal Stations indicate less water than a vessel is drawing, unless they have previously obtained information as provided for in the following note :—

“NOTE.—It is sometimes the case that a greater depth of water than is signalled can be obtained by following a track which cannot be indicated by the bar marks. Captains and Pilots wishing for further information than that shown by the signals should apply at the Harbour Master's Office at Shanghai, or to the Berthing Officer at Woosung shortly before the occasion on which they may wish to make use of such knowledge.

“3. Vessels when anchoring outside Woosung shall not do so in too close a proximity to the line of leading marks over the Woosung Outer Bar, so as to avoid risk of collision with vessels entering and leaving Woosung.”

WILLIAM CARLSON, *Harbour Master.*

Approved: H. ELGAR HOBAEN, *Commissioner of Customs.*

*Harbour Master's Office,  
Shanghai, July 28, 1906.*

(No. 172.) *REGULATIONS for the levying of Wharfage Taxes at Hsiakwan, Nanking. Peking, 14th May, 1907.*

*Notice.*

The following Regulations made by His Majesty's Minister, and allowed by His Majesty the King, are published for general information.

J. N. JORDAN.

*Peking, May 14, 1907.*

*His Majesty's Minister.*

KING'S REGULATIONS under Article 155\* of “The China and Corea Order in Council, 1904.”

[No. 5 of 1907.]

*Levy of Wharfage Dues at Hsiakwan, Nanking.*

1. ALL goods, import, export, and coast trade, the property of native and foreign merchants alike, shall pay a wharfage due of

\* See page 884 (No. 156).

## [Wharfage Dues. Hsiakwan.]

1 tael for every 50 taels of duty leviable. Goods that have been imported prior to these Regulations coming into force, but which are exported subsequently, shall pay the due; also goods which have paid duty elsewhere and are imported under exemption or duty-paid certificates. Duty-free goods and official goods which are exempted from duty shall also pay at the same rate *ad valorem*.

2. Passengers and their baggage travelling by steam launches also make use of the jetty in landing and going on board. This traffic should also contribute to the fund. It is proposed that each launch shall pay 4 mace per trip, and each vessel in tow 2 mace.

3. The wharfage dues shall be paid in Haikwan taels, and paid into the Customs Bank simultaneously with the duty. The Bank will give a receipt which will be inspected by the Customs. The wharfage due funds will be kept in a separate account by the Bank, and will be checked every month end by the Customs and reported to the Taotai.

4. The Customs Taotai and the Commissioner of Customs, in consultation with the Consuls or their Representatives, shall decide how the funds collected by this wharfage due shall be expended. All accounts will be kept at the Commissioner's Office, from which duplicate sets of accounts, showing receipts and disbursements, shall be drawn up, one set to be kept at the custom-house for inspection at any time by any of the Consuls, and the other set to be filed at the Taotai's yamên.

" The said fund is specially levied for improvements in the strip of ground west of the Hui-Min Bridge to the river bank, viz., repairing and widening the main road and the river-front road, hiring policemen, lamp lighting, scavenging, and sanitation. The responsibility for the maintenance of the section of the road from the river bank to the foot of the Hui-Min Bridge still rests with the Board of Works; but if it should become necessary to divert funds from the wharfage dues for repairs to this road, it will be only fair for the Board of Works to make good the expenditure out of the carriage licence fund.

5. These Regulations may be cited as "The Hsiakwan Wharfage Taxes Regulations, 1907."

J. N. JORDAN.

Approved: E. GREY.

## [British Concessions. Police Discipline.]

(No. 173.) *REGULATIONS respecting Maintenance of Discipline in the Police Forces of British Concessions. Peking, 14th June, 1907.*

*Notice.*

The following Regulations, made by His Majesty's Minister and approved by the Secretary of State, are published for general information.

J. N. JORDAN.

*His Majesty's Minister.*

*Peking, June 14, 1907.*

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KING'S REGULATIONS made under Article 155\* of "The China and Corea Order in Council, 1904."

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[No. 6 of 1907.]

*Maintenance of Discipline in the Police Forces of British Concessions.*

1. ANY person serving in the municipal police force of a British Concession in China under a contract made with the Municipal Council, who disobeys the lawful commands of his superior officer, or who deserts, or attempts to desert, from such force, shall be guilty of an offence, and shall be liable on conviction to imprisonment, with or without hard labour, for a period not exceeding three months, or to a fine not exceeding 20*l.*, or to both.

2. Any person who persuades or procures, or who attempts to persuade or procure, a person serving in the municipal police force of a British Concession to desert, shall be guilty of an offence, and shall be liable on conviction to imprisonment, with or without hard labour, for a period not exceeding two months, or to a fine not exceeding 20*l.*, or to both.

3. If any question arises whether any place is or is not a British Concession, the Court having cognizance of the matter shall refer the question to the Minister, and his decision shall, for the purpose of the proceeding, be final.

4. These Regulations may be cited as "The Police Discipline Regulations, 1907."

J. N. JORDAN.

*His Majesty's Minister.*

Approved:

E. GREY.

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\* See page 884 (No. 156.)



July 9, 1907.] .

GREAT BRITAIN.

[No. 174.]

[Foochow Harbour.]

(No. 174.) *REGULATIONS respecting Foochow Harbour.  
Peking, 9th July, 1907.*

*Notice.*

The following Regulations made by His Majesty's Minister, and approved by the Secretary of State, are published for general information.

J. N. JORDAN.

*His Britannic Majesty's Minister.*

*Peking, July 9, 1907.*

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KING'S REGULATIONS under Article 155 and 157\* of "The China and Corea Order in Council, 1904."

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[No. 7 of 1907.]

*Foochow Harbour.*

1. THE Port includes all that part of the River Min between the Kimpai Pass and the stone bridge across the river at Foochow.

2. The anchorage known as the Pagoda Anchorage, within the limits of which all foreign vessels (excepting those going up the river to Foochow), shall lie when loading or discharging, is that part of the river above the lower limit marks "L L" on either side, and below a straight line running west from Mamoi Point to the opposite side of the river.

3. Vessels proceeding up the river to Foochow shall load and discharge between the stone bridge and Messrs. Jardine, Matheson, & Co.'s jetty, *unless special permission is obtained from the Customs authorities to work elsewhere.*

4. Any vessel nearing the anchorage shall be stopped below the lower limit, if the harbour Pilot be seen approaching, to allow him to come on board and take charge; but if such vessel is not boarded by the harbour Pilot, or by a deputy of the Harbour Master, the Pilot on board shall moor her in a safe berth.

5. Vessels shall take up the berths assigned them by the Harbour Master, or by his deputy, and shall on no account change berth without first having obtained permission from the Harbour Master. They shall, however, shift berth if required to do so by the Harbour Master.

6. All vessels shall be moored taut, and shall keep a clear hawse.

7. All vessels lying in the anchorage shall exhibit from sunset to sunrise two bright lights—one, the riding light, where it can be best seen, not less than 20 feet above the deck, and the other at the stern.

8. A vessel arriving with a contagious or infectious disease on

\* See pages 884 and 885 (156).

board, or a disease regarding the contagious or infectious nature of which there may be doubt or suspicion, or a vessel any of whose passengers or crew have died since leaving last port, or on board which there is a corpse other than one regularly shipped as freight, shall not come nearer than the lower limit of the harbour. She must fly at the fore the quarantine or plague flag (Q or L), and must allow no one to embark or to disembark without permission from the Harbour Master's office.

*N.B.—Pilots in charge of vessels should inform commanders of this rule.*

9. Cannon, small arms, rockets, or other signal lights shall not be fired on board any vessel within the limits of the port (Rule 1) without written permission from the Harbour Master's office.

10. Ballast or ashes must not be thrown into the river between Min Reef Buoy and the stone bridge at Foochow, but must be put into ballast boats and landed above high water mark. *Care must be taken to prevent any ballast, &c., from falling overboard in handling.*

11. Vessels arriving at the port with explosives or other dangerous cargo in whatever quantity (except kerosene), shall anchor or moor one mile below the lower limit of the harbour, and shall abide by the instructions of the Harbour Master concerning discharge.

12. Vessels arriving with kerosene or other inflammable or dangerous cargo shall exhibit a red flag at the fore by day and a red light at night. They shall not work any cargo between sunset and sunrise.

13. Except for some reasonable purpose, *e.g.*, to signal their arrival or departure, vessels are forbidden to blow their steam whistles or sirens within the limits of the anchorage.

14. No buoy may be laid down without the sanction of the Harbour Master and his approval of the moorings by which it is to be held in position. Buoys already laid down are subject to the control of the Harbour Master, and when they are so placed as to obstruct the passage of vessels through the harbour, or are not so moored as to economize berthing space, the Harbour Master will be at liberty to order their removal.

In case of refusal or neglect on the part of the owner of a buoy to shift its position as directed by the Harbour Master, the latter may cause it to be removed at the risk and charge of the owner.

15. With the exception of Customs boarding and police boats and pilot boats, no small craft of any kind, foreign or native, including steam-launches, cargo-boats, and house-boats, are permitted to go alongside an arriving vessel until she is moored—*i.e.*, her second anchor is down.

16. Cargo boats are forbidden to make fast to vessel unless such vessels have permits to work. Cargo boats are also forbidden to make fast to or lie alongside of vessels outside Customs working hours, unless such vessels have holiday, night, or Sunday permits.

Cargo boats must not remain alongside steamers or sailing

## [Foochow Pilotage.]

vessels when ordered away by the Customs officers acting upon the request of the master of the vessel.

Only *numbered* sampans and house-boats (excepting *bonâ fide* private boats, not for hire) may be allowed alongside vessels to embark or receive passengers, luggage, or cargo.

17. Fishing boats are prohibited from planting nets in the fairway, or in any manner obstructing the ordinary navigable channels.

18. Applications for the services of Pilots, or for permission to shift berth, or go into dock, must be addressed to the Harbour Master, to whom also all payments of fees due to Chinese Pilots for either inward or outward pilotage must be made.

19. These Regulations have been assented to by the Consuls at this port, and a breach of any of them will be punished by a fine not exceeding \$100, to be inflicted on the offender by his Consul if the offender be a subject of a Treaty Power, or otherwise by the Superintendent of the Customs.

20. These Regulations may be cited as "The Foochow Harbour Regulations, 1907."

J. N. JORDAN.

*His Britannic Majesty's Minister.*

*Peking, July 9, 1907.*

Approved :

E. GREY.

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(No. 175.) *REGULATIONS respecting Pilotage at Foochow.*  
*Peking, 9th July, 1907.*

*Notice.*

The following Regulations made by His Majesty's Minister, and approved by the Secretary of State, are published for general information.

J. N. JORDAN.

*His Britannic Majesty's Minister*

*Peking, July 9, 1907.*

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KING'S REGULATIONS under Articles 155 and 157\* of "The China and Corea Order in Council, 1904."

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[No. 8 of 1907.]

FOOCHOW PILOTAGE.

*General Regulations, with Local Rules, for the Port of Foochow.*

GENERAL REGULATION I.

*Bye-laws and Local Rules.*

1. BYE-LAWS and Rules necessary for the better ordering of pilotage matters at the ports are to be drawn up by the Harbour

\* See pages 884 and 885 (No. 156).

## [Foochow Pilotage.]

Masters in consultation with the Consuls and Chambers of Commerce, with whom also it rests, in the same way, to fix the number of Pilots and tariff of charges, and define the limits of the pilotage ground.

2. The number of Pilots for the Port of Foochow shall be for the present five outside and three inside.

3. The pilotage ground for the port of Foochow shall be divided in two sections, viz. :—

Outside and inside. The outside ground shall be defined as extending from the line White Dogs and Matsou and Quing islands in as far as the Sharp Peak anchorage ; and the inside ground as extending from the Sharp Peak anchorage to the upper limits of the Pagoda anchorage.

4. The pilotage charges at the Port of Foochow shall be as follows, viz. :—

	Dollars.
Between the limits of the outside pilotage ground—	
For all vessels ....	5.00 a-foot.
Steamers from Pagoda anchorage to sea, and <i>vice versa</i> —	
If drawing 18 feet and under ....	6.00 „
If drawing more than 18 feet ....	7.00 „
Between Sharp Peak and Pagoda anchorage—	
For all vessels ....	3.00 „
Sampan, if employed between the Pagoda and Sharp Peak for towing ....	1.00 each.
Coolies, if employed between the Pagoda and Sharp Peak for working ship ....	1.50 „
Between Pagoda anchorage and Foochow Bridge—	
For all vessels ....	2.50 a-foot.
For vessels in tow of steamers*—	
Inside pilotage ....	2.00 „
Outside pilotage ....	3.00 „

\* The said steamers to be of sufficient power to tow them to sea against the tides and ordinary winds.

*Local Rule 1.*—Pilots shall not demand more nor accept less money for piloting vessels than the amount authorized by the tariff.

*Local Rule 2.*—Any Pilot bringing in a vessel from sea shall, by himself or one of his boat's company, be entitled to pilot her to sea when she next leaves the port, unless in the meantime a complaint for misconduct or incapacity shall have been made against such Pilot and proved before the Harbour Master. Any Pilot who shall take such vessel to sea without the consent of the Pilot who brought her in (such last-mentioned Pilot or one of his boat's company being ready and offering to take her to sea) shall pay to the Harbour Master, for the benefit of the Pilot entitled to perform the service, a sum equal to the legal outward pilotage. But if any Commanding Officer of a vessel arriving at this port shall object to have his vessel taken to sea by the Pilot who brought her in, he shall state his objection in writing to the Harbour Master, who, if he see fit, may appoint another Pilot to take such vessel to sea.

*Local Rule 3.*—Outward-bound vessels shall not be left until

well clear of all dangers within the limits of the pilotage ground. Inward-bound vessels shall not be left until moored in a safe berth or taken charge of by a harbour Pilot. No Pilot shall quit the vessel of which he is in charge, without the master's written consent, until the service for which he was employed has been performed.

*Local Rule 4.*—Pilotage fees at this port due to Chinese Pilots, both inward and outward, shall be paid into the Harbour Master's office, from which will be issued a written receipt. The sums thus received for outward pilotage will in each case be retained by the Harbour Master until he has seen by the entry in the pilots' book provided for that purpose that the vessel was conducted to the limits of the pilotage ground without accident, and that the Pilot in every respect properly discharged his duty.

*Local Rule 5.*—Any outside Pilot carried off his ground, the fault not being his own, shall be entitled to compensation at the rate of \$5 a-day and a return passage. Such Pilot must return to the port by the first opportunity, or if detained away by sickness must at once forward a medical certificate according to Local Rule 13.

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## GENERAL REGULATION II.

### *Pilots : Individuals eligible.*

The subjects, citizens, or protégés of Treaty Powers shall, equally with natives of China, and without distinction of nationality, be eligible for appointment, when vacancies occur, by the Board of Appointment, subject to the General Regulations now issued and the bye-laws to be under them enforced at the several ports respectively.

*Local Rule 6.*—No person will be eligible as a Pilot unless he has first served as an apprentice.

No foreign applicant will be eligible as an apprentice Pilot unless he can produce a master's or mate's certificate, and can prove having served as master or mate in a square-rigged vessel at least two years.

In the case of Chinese applicants, the Harbour Master will, in consultation with the Board of Examiners, verify the nautical qualifications of the applicant, and decide whether he is or is not fit to be accepted as an apprentice.

### *Supernumerary Pilots.—Bye-laws.*

The master of any steamer trading regularly to and from this port may, upon due notice and application from his employers or their agents, be examined as to his capacity to pilot the steamer of which he is master within the limits of the pilotage ground of this port.

Any such applicant shall, if the Board of Examiners think fit, be examined, and if found competent shall, on payment of a fee of

100 Haikwan taels, receive a supernumerary pilotage certificate, containing his name, with a specification of the steamer and the line of steamers in respect to which he has been examined.

Such certificate shall enable the person therein specified to pilot the steamer therein named, or any other steamer of the same line or Company. It may be cancelled by the Harbour Master for incompetency, subject to appeal to the Consul concerned.

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### GENERAL REGULATION III.

#### *Board of Appointment : how constituted.*

The Board of Appointment shall consist of the Harbour Master as President, the (or a) Senior Pilot, and two persons whose names shall be drawn by lot by the Harbour Master from a list prepared and published by the Harbour Master in consultation with the Consuls and Chambers of Commerce.

*Local Rule 7.*—For the purpose of convening a Board of Appointment, written notice shall be served by the Harbour Master upon a Senior Pilot at least twenty-four hours before his presence is required, and such Pilot, after receiving the said notice, shall appear at the place at the time named, and take part in the proceedings of the meeting.

*Local Rule 8.*—With the exception of the Harbour Master, each member of a Board of Appointment called for the purpose of examining applicants for a pilot's licence shall receive a fee of 10 Mexican dollars. The fee for a pilot's licence at this port shall be 10 taels.

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### GENERAL REGULATION IV.

#### *Vacancies : how to be filled up*

1. Whenever there may be a vacancy among the Pilots, it shall be duly notified in the local prints ; and eight days afterwards the Board of Appointment shall proceed to fill it up by a competitive examination.

2. The Board may refuse to admit to the examination any one who, having once been a licensed Pilot, has had his licence withdrawn, and also any candidate who is unable to produce Consular certificates as to character, &c.

3. The examination shall be public and gratuitous, and the vacancies shall be given to the most competent among the candidates, without distinction of nationality, provided always the competency of the first on the list be not relative but absolute.

4. The Consul concerned may in person or by deputy be present and take part in the examination of candidates.

5. The majority of the votes of the members of the Board shall

decide the admission of candidates for pilot licences, each member having one vote in the ballot; but in the absence of the Consul concerned, the Harbour Master shall have a casting vote.

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#### GENERAL REGULATION V.

##### *Pilots' Licences : by whom to be issued.*

1. Pilots' licences shall be issued by the Commissioner of Customs, in the name and on behalf of the Chinese Government. Licences issued to Pilots not being natives of China shall subsequently be *visé* and registered at the Consulate concerned.

2. On the 1st July each year every pilot shall pay the sum of 5 Haikwan taels for the renewal of his licence.

*N.B.*—At Foochow, while it is customary for the foreign Pilots to pay for annual renewal of licence the sum named in the preceding Rule, it is the practice for the Chinese Pilots to pay to the Customs 5 per cent. of their earnings in lieu of licence renewal fee.

3. Every licensed Pilot shall be given a printed copy of the General Regulations and Local Rules, and shall produce the same, as well as his licence, when required.

*Local Rule 9.*—Pilots' licences for the Port of Foochow shall be of two kinds, viz., outside and inside. Those for the outside alone shall be given to foreign candidates, and those for the inside or outside, or for both, shall be given to Chinese candidates. Foreign candidates who prove themselves competent to pilot vessels within the Kimpai Pass shall only be permitted to take charge of steam-vessels up and down the river. Chinese Pilots shall also be allowed to pilot between the Pagoda anchorage and the Foochow Bridge, provided they prove themselves competent.

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#### GENERAL REGULATION VI.

##### *Apprentice Pilots : how to be taken.*

1. It shall be allowable for each licensed Pilot to take an apprentice, for whom he shall be responsible. On the application of Pilots, the Harbour Master will supply apprentices with special certificates.

2. When the circumstances of the port appear to demand it, the Harbour Master may authorize apprentices to act temporarily and within certain limits as Pilots, provided they have received certificates of competency from the Board of Appointment.

*Local Rule 10.*—An apprentice Pilot shall be entitled to an examination after having served six months, and if found competent shall, whenever a vacancy occurs in the list of Pilots, be granted a licence for six months to pilot all vessels not drawing more than

15 feet. At the expiration of that time he shall be granted a branch, provided that he has obeyed the Regulations and Local Rules, and that no accident has happened to a vessel under his charge through his own fault.

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GENERAL REGULATION VII.

*Licensed Pilots : to whom subordinated ; Unlicensed Piloting, &c.*

1. Licensed Pilots may carry on their business either singly or in companies. They must pay due respect to the wishes and instructions of the Harbour Master, under whose orders and control they are placed, and who is invested with power to suspend or dismiss, subject to an appeal to the Consul concerned. When the Pilot is a foreigner, the appeal to be lodged within three days.

2. If guilty of any misconduct for which Consular punishment has been inflicted, or if proved to have committed any offence against revenue laws, the individual concerned may be suspended or dismissed by the Harbour Master, subject to an appeal to his Consul. If a foreigner, the appeal to be lodged within three days.

3. Any one piloting without a licence, or making use of another's licence, shall be subject to prosecution before his own authorities, who will deal with the offender in accordance with the laws of his country. Any Pilot lending his licence to another will be proceeded against and dealt with in the same way, in addition to forfeiting his licence.

4. Any Commanding Officer employing an unlicensed person to pilot his vessel will be liable to be fined in the sum of 100 taels by the authorities to whose jurisdiction he is amenable.

*Local Rule 11.*—Every Pilot shall, when boarding an inward-bound vessel, hand to the Commanding Officer thereof his licence, together with a copy of the pilotage sanitary and harbour and mooring Regulations.

*Local Rule 12.*—Every Pilot shall report himself at the Harbour Master's office within twenty-four hours after arriving at Pagoda anchorage, and enter his name in the report book for pilots ; each Pilot shall also report himself at the Harbour Master's office before leaving the anchorage for the purpose of taking a vessel to sea, or taking his turn on the outside station.

*Local Rule 13.*—In case of sickness Pilots shall forward medical certificates, and failing to do so, absence from duty for a period of three days shall render them liable to suspension.

*Local Rule 14.*—A Pilot shall not voluntarily leave the port without the Harbour Master's written permission, and a Pilot having short leave, *i.e.*, in or near China, must not overstay such leave without reporting by letter and without good reason.

*Local Rule 15.*—The Harbour Master may grant any Pilot long leave, *i.e.*, leave of absence for one year, and for good reason six months' extension. Applications for extension of leave should be



forwarded so as to reach the Harbour Master before the expiration of the original leave. When a Pilot overstays such leave, or is absent without leave for more than sixty days, his name may be struck from the list, unless he can show good cause why this should not be done.

The licences of Pilots going on leave shall be deposited with the Harbour Master.

*Local Rule 16.*—A Pilot while on leave shall not pilot a vessel in or out of this port ; he must first report his return to duty to the Harbour Master, and receive back his licence.

*Local Rule 17.*—A Pilot carried off his ground, even though the fault be not his own, shall not pilot in the vessel by which he returns to port.

*Local Rule 18.*—Pilots shall report to the Harbour Master as soon as possible, either personally or in writing, the facts connected with any accident happening to a vessel while under their charge, and in case the vessel has touched or got aground, shall specify bearings of known objects, vessel's draught of water, time of tide, hour at which the accident happened, nature of the bottom, subsequent fall of tide, &c. In case the Pilot's duties prevent him from leaving the vessel or writing a complete report, he shall at once send a note to the Harbour Master, stating the nature of the accident that has occurred, and whether the vessel is still in danger or not.

*Local Rule 19.*—If a vessel leaving port be unseaworthy by reason of being leaky, insufficiently found in sails, ground tackle, crew, or from other causes, or if the extra men or sampans provided by the captain for working down river be in the Pilot's judgment inadequate, the Pilot may refuse to take charge until he reports the case to the Harbour Master and gets his instructions.

*Local Rule 20.*—The Commanding Officer of any vessel that meets with an accident while in charge of a licensed Pilot of this port shall, if he consider that such accident has been caused by incompetence, carelessness, or drunkenness on the part of the Pilot, report the same to the Harbour Master without delay. The Harbour Master will then, if the matter be of sufficient importance, hold an official investigation into the circumstances connected with the case, and if he find such accident to have resulted from any of the above-mentioned causes, shall refer the case, with all the evidence, to the Consul concerned, at the same time recommending such punishment as he (the Harbour Master) shall think fit to be imposed. When a complaint has been entered against a Pilot as above, he shall be deemed suspended until his case has been investigated ; provided, however, that there shall be no unnecessary delay in the investigation of such case on the part of the Harbour Master or the Consul.

*Local Rule 21.*—Pilots cognizant of changes in shoals or channels, alterations of any kind in the river, accidents to vessels, lights, beacons, or buoys, or any other like occurrence affecting the Harbour

Master's Department, must report the same, in person or in writing, to the Harbour Master without delay.

*Local Rule 22.*—Pilot-boats shall at all times be kept cruising outside the Knolls, unless driven in by bad weather or in want of supplies, or disabled; and no outside pilot-boat, except she be in a disabled condition, shall be allowed to come up the river above the village of Quantao without written application being made to the Harbour Master, and his written consent thereto being obtained. Whenever it shall become necessary for a pilot-boat to be laid up for repairs, the Harbour Master will, unless the requirements of the shipping demand the attention of all the Pilots, allow one of them to superintend such repairs.

*Local Rule 23.*—No pilot-boat shall put any other person than a licensed Pilot on board of any vessel for the purpose of piloting her, unless there are no licensed Pilots within signalling distance, and then only at the request of the master of such vessel, in which case such unlicensed person shall keep the jack flying at the fore until Sharp Peak Point bears north, and shall also afford every facility consistent with the safety of such vessel to enable any licensed Pilot to come on board and take charge. In such a case, when a regular Pilot shall take charge before the vessel has arrived on the inner bar, the person who first had charge shall only be entitled to half the inward pilotage.

*Local Rule 24.*—In case a licensed Pilot shall offer his services to an inward-bound vessel already in charge of an unlicensed person belonging to a pilot-boat, before such vessel shall have entered either of the channels leading to this port, and is afterwards unable to board such vessel for want of assistance from the person in charge of her, such licensed Pilot shall be entitled to the full amount of pilotage for the said vessel.

*Local Rule 25.*—A Pilot coming up the river in charge of a steamer shall stop such steamer below the lower limits, rounding to with head to the eastward, if on the flood tide, and wait for the harbour Pilot or his representative to come on board, and shall in all cases give over charge whenever the harbour Pilot shall signify his readiness to assume it.

If the steamer be not boarded by the harbour Pilot as above within a reasonable time, the Pilot in charge shall himself take the steamer to a suitable berth and moor her there, being careful not to occupy the positions assigned to the Hong Kong or other coast steamers.

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#### GENERAL REGULATION VIII.

##### *Pilot-boats : Regulations to be observed.*

1. Pilot-boats shall be registered with their crews at the Harbour Master's office, where each boat will be given a certificate and number.

## [Foochow Pilotage.]

The words "Licensed pilot-boat" shall, with the number, be legibly painted at the stern and on the head of the mainsail; and a flag, of which the upper horizontal half shall be yellow and the lower green, shall be flown. Such registered pilot-boats shall deposit their national papers with their Consul or the Customs; they shall be at liberty to move freely within the limits of the port and pilotage ground, and shall be exempt from tonnage dues. On the requisition of the Harbour Master or his deputies, it will be obligatory on registered pilot-boats to convey from place to place, within the limits, employés belonging to either Customs or Harbour Master's Departments with such stores as may be wanted for either lighthouses or lightships.

2. Every licensed pilot-boat shall pay a fee of 10 taels for renewal of licence on the 1st July each year.

3. In case of a Pilot going off in an unregistered boat, he will be authorized to carry the pilot-boat flag during the time he is on board; but no Pilot is authorized to cruise in an unregistered boat without special permission from the Harbour Master.

4. The owner or hirer of an unregistered boat making use of a pilot flag, and not having a licensed Pilot on board, shall be prosecuted before the authorities to whom he is amenable, or whose flag or national ensign he has the right to use.

5. A registered pilot-boat is not permitted to fly the pilot flag save when there is either a licensed Pilot or a certificated apprentice on board.

*Local Rule 26.*—The words licensed Pilot or boat shall be painted on all pilot boats, on each quarter, in letters not less than twelve inches in length, and of a colour to show distinctly.

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GENERAL REGULATION IX.*Flags to be exhibited on arrival.*

When nearing the anchorage the Pilot shall cause to be exhibited—

*A red and white flag* (No. 3) if the vessel is from Hong Kong, Japan, or any Chinese port;

*A blue and white flag* (No. 2) if from any foreign port;

*A yellow and blue flag* (No. 10) if the vessel is in ballast;

*A red swallow-tail flag* (No. 5) if the vessel has gunpowder or other combustibles on board.

*Local Rule 27.*—The first, second, and third clauses of this Regulation will not be enforced for the present.

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GENERAL REGULATION X.*Harbour Pilots; Vessels in Harbour; Berthing, &c.*

1. The duties of the harbour Pilots, where such exist, will be to take charge of vessels at the outer limit of the anchorage; berth them

in accordance with the orders received from the Harbour Master's Department ; take charge of vessels shifting berths, going in or out of dock, or to and from a wharf, or out of the anchorage ; and to assist in and report to the Harbour Master's office all matters concerning the shipping in port and the conservancy of the river or harbour.

2. In berthing vessels the Harbour Master will, as far as possible, meet the wishes of the Commanding Officers and consignees ; and the entrance, working, or clearance of vessels taking berths not assigned to them shall be stopped by the customs until the Harbour Master's orders are complied with.

3. Vessels are to moor in accordance with orders received from the Harbour Master, and are not to remove from the anchorage without his permission.

4. The harbour pilotage fees, payable to the Harbour Master, are as follows :—

<i>Docking or undocking</i>	..	..	..)	} 10 dollars in full.
<i>Shifting a vessel's berth</i>	..	..	..)	
<i>Taking a vessel to and from a wharf</i>	..	..	..)	

*Local Rule 28.*—Pilots are required to ascertain from the masters of vessels which they pilot into port whether there is any gunpowder or other explosive material on board beyond the customary stores. In each case, when such material is known to be in the vessel, the Pilot must anchor her at least 1 mile below the lower limit of the harbour, and must request the master to set No. 5 Marryatt's, or *B Commercial*, code at the fore.

*Local Rule 29.*—All applications for the services of Pilots shall be made by the individuals requiring them, either personally or in writing, at the Harbour Master's office.

These Regulations may be cited as "The Foochow Pilotage Regulations, 1907."

J. N. JORDAN.

*His Britannic Majesty's Minister.*

*Peking, July 9, 1907.*

Approved :

E. GREY.

July 9, 1907.]

GREAT BRITAIN.

[No. 176.]

[Santu-ao Harbour.]

(No. 176.) *REGULATIONS respecting Santu-ao Harbour.  
Peking, 9th July, 1907.*

*Notice.*

The following Regulations made by His Majesty's Minister, and approved by the Secretary of State, are published for general information.

J. N. JORDAN.

*His Britannic Majesty's Minister.*

*Peking, July 9, 1907.*

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KING'S REGULATIONS under Articles 155 and 157\* of "The China and Corea Order in Council, 1904."

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[No. 9 of 1907.]

*Santu-ao Harbour.*

1. THE port includes within its limits the whole of the Samsa Inlet from Castle Point ( ) south to Paimamen ( ) north, from the east coast of the mainland to the coast of the mainland west. All islands within the above circumference are included in the port limits.

2. The anchorage for all vessels is between Crag Island (Chingsan ) and Olive Island (Kalanhsü ), and it is within this limit that loading and discharging of cargo must take place.

3. Steamers running regularly to the port may, on arrival, proceed without stopping to that part of the anchorage usually occupied by them. All other vessels on entering the anchorage must stop when they reach a point about midway between Mount Stevens and Lay Rocks, where they will be boarded by the Harbour Master or his deputy, who will assign them a berth ; if not so boarded vessels may be temporarily moored in a safe place by the Commanding Officer.

4. All vessels must be moored taut, and shall keep a clear hawse, and must not remove from the berth allotted to them without first having obtained permission from the Harbour Master's Office. Vessels shall, however, shift their berth if required to do so by the Harbour Master.

5. No boats of any kind, foreign or native, including steam-launches and house-boats, excepting Customs' boarding and police and pilot boats, are allowed to go alongside an arriving vessel until she is properly moored.

6. No ballast or ashes, or anything that will sink, shall be thrown overboard within the limits of the anchorage, but may be landed at some place approved of by the Harbour Master above high-water mark.

\* See pages 884 and 885 (No. 156).

